THE BOYCOTT IN AMERICAN TRADE UNIONS

BY

LEO WOLMAN

A DISSERTATION

Submitted to the Board of University Studies of The Johns Hopkins University in Conformity with the Requirements for the degree of Doctor of Philosophy

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PREFACE

This monograph had its origin in an investigation carried on by the author while a member of the economic seminary of the Johns Hopkins University. The chief sources of information have been the trade-union publications contained in the University library. Documentary study, however, has been supplemented by personal interviews with trade-union officials and with employers.

The author wishes to express his appreciation of the helpful criticism received from Professor J. H. Hollander and Professor G. E. Barnett.

L. W.

THE BOYCOTT IN AMERICAN TRADE UNIONS

CHAPTER I

The Nature of the Boycott

The passage by Congress of the labor union, injunction and contempt sections of the Clayton Anti-Trust Bill and the decision by the United States Supreme Court on January 5, 1915, affirming the judgment of the lower courts in the famous Danbury Hatters' case[1] should again direct the attention of students of the labor problem to the position of the trade-union boycott in American industrial life. A decision by the judicial branch of the federal government which imposes a severe legal disability upon the boycott and the adoption by the legislative department of an act which is interpreted as both sanctioning and forbidding its use[2] warrant a more thorough examination than has heretofore been made of the origin and function of the boycott as a re-

[1] 235 U. S. 522.

[2] Thus, "Mr. Gompers, at least, regards the act as an unqualified victory. In his leading article in the November American Federationist (1914), he says: 'The labor sections of the Clayton Anti-Trust act are a great victory for organized labor. In no other country in the world is there an enunciation of fundamental principle comparable to the incisive, virile statement in section C.'" (P. G. Wright, "The Contest in Congress between Organized Labor and Organized Business," Quarterly Journal of Economics, vol. xxix, p. 261). On the other hand, Daniel Davenport, General Counsel for the American Anti-Boycott Association, says: "In the shape in which it finally passed it makes few changes in existing laws relating to labor unions, injunctions and contempts of court, and those are of slight practical importance" (An Analysis of the Labor Union, Injunction and Contempt Sections of the Clayton Anti-Trust Bill, published by the American Anti-Boycott Association). The actual effect of the Clayton Anti-Trust Act cannot, of course, be determined until it has been interpreted by the courts.

source of trade unions. In the case of the boycott, as in such other trade-union devices as the restriction of output, the regulation of the number of apprentices, and the closed shop, popular condemnation or approval has been too often dictated by prejudices engendered by the natural alignment of sections of the population with the employing or the laboring class. American literature on the subject has made little attempt up to the present time to lift the discussion above the plane of partisan controversy. In this monograph it is designed to make an impartial study of the boycott in its relation to trade unionism; of the circumstances which attend the emergence of the boycott; of its value as an organizing device; of the effect upon trade unions of its abandonment as a resource of enforcement; of the extent to which it is employed; and finally of its legal and ethical aspects.

Originally, the term boycott denoted social ostracism.[3] While still employed extensively to characterize expulsion from social intercourse, the term is now most frequently applied to certain forms of economic or industrial pressure, and more particularly to the economic pressure exerted by the members of labor organizations. The boycotting carried on by trade unions has been variously defined.[4] By

[3] For a detailed description of the origin of the term boycott, see H. W. Laidler, Boycotts and the Labor Struggle, p. 23. See also R. B. O'Brien, Life of Charles Stewart Parnell, p. 236 ff.

[4] The difficulties encountered in properly defining the boycott are well described by Fritz Kestner: "From the standpoint of judicial declarations the boycott is a chameleon that is impossible of definition. In its historical origin it is not concerned with the accomplishment of a demand but is an act of vengeance, social punishment. Soon the term boycott indicated the collective withdrawal of the labor force from an employer. It then became necessary to distinguish the boycott from the strike; the strike was defined as the deliberate refusal to work for an employer and the boycott as the deliberate refusal to buy from him. At the same time boycotting also referred to the attempts of labor organizations to obstruct approaches to industrial establishments; and finally the term was applied to every manner of warfare between employer and employees that was not a direct strike.

"With the growth of industrial organization, the rules that were made within the labor unions and the employers' associations

some writers coercion of disinterested parties is considered an essential element of this trade-union device. Thus Dr. W. A. Martin,[5] deriving his definition from various judicial opinions, defines the boycott as "a combination to cause a loss to one person by coercing others against their will, to withdraw from him their beneficial business intercourse, by threats, that unless those others do so, the combination will cause similar loss to them." While not placing so great an emphasis on the element of coercion, Dr. T. S. Adams and Dr. H. L. Sumner[6] also consider the support of a disinterested party as a sine qua non of the boycott. "The boycott, as used in modern labor disputes," they write, "may be defined as a combination to suspend dealings with another party, and to persuade or coerce others to suspend dealings, in order to force this party to comply with some demand, or to punish him for non-compliance in the past."

An analysis of certain forms of pressure to which the term boycott is commonly applied would indicate that neither of the above elements is an essential and universal attribute of the boycott. To use a concrete illustration, when the members of a local union of bakers, who have been locked out by the master bakers of the community, combine to withdraw their patronage from the bakeries, their action is ordinarily regarded as constituting a boycott upon the unfair employers and would be so termed. Yet the act is marked neither by coercion nor by the support of a third party; it is merely a concerted withdrawal of patronage. Similarly Sidney and Beatrice Webb[7] speak of the "boycott of non-unionists," the term being used to describe the device of the closed shop, or the refusal of union members to work with non-unionists, and the consequent inability of the non-

against outsiders were soon called boycotts. As soon as the same methods which these organizations employed in labor disputes, as, for example, restricting the supply of raw materials, the diversion of patronage etc., were also adopted by the cartels, it became customary to designate all of the weapons of the cartels against outsiders as boycotts" (Der Organisationszwang, pp. 344–345).

[5] The Modern Law of Labor Unions, pp. 103–104.

[6] Labor Problems, pp. 176, 196.

[7] Industrial Democracy, vol. 1, p. 215. See also index, p. 904.

union workman to obtain work in a union shop and of the union employer to engage the services of a non-union workman. Here, however, there may be an element of coercion, since the closed shop is often not voluntarily adopted by the employer but is forced upon him by the union. Whether coercion is present in this second illustration or not, it is possible to detect in these two totally dissimilar examples of the boycott a characteristic which will be found to be common to all forms of pressure that are given that name. This common characteristic is the restriction of market; in one case possibly supplemented by the coercion of a third party, the employer, and in the other free from coercion or persuasion. Thus the purpose of the first boycott is to restrict the selling market of the master bakers; the second limits the market of the non-union workman to non-union shops, and likewise limits the labor market of the employer to union workmen. The boycott may, therefore, be defined as a combination formed for the purpose of restricting the markets of an individual or group of individuals.

Thus defined, the boycott of course includes many forms of pressure exerted by both labor organizations and other types of industrial combinations, which because of the presence of certain peculiar characteristics have received distinguishing names. The blacklist, for instance, which is used by combinations of employers, is a boycott upon the blacklisted laborer, since his field of employment is restricted to the extent that he is unable to receive employment from the manufacturers who subscribe to the blacklist.[8] The

[8] The various forms of blacklisting which are employed by industrial combinations, not against workmen but against firms not members of the combination, contain a similar element of boycott. Thus the Michigan Retail Lumber Dealers' Association forbade "any wholesaler or manufacturer, dealer or his agent" to sell "lumber, sash, doors or blinds for building purposes to any person not a regular dealer" (W. S. Stevens, Industrial Combinations and Trusts, p. 193). This rule, of course, constituted a boycott by the combination in that it limited the market for materials of those persons who are not "regular dealers." Similar instances of such industrial or trade boycotts can be easily multiplied. See, for example, The Quarry Workers' Journal, February, 1910, p. 4; A. C. Pigou, Wealth and Welfare, p. 258; W. S. Stevens, Industrial Combinations, p. 145.

strike, likewise, constitutes a boycott of the employer by restricting his market for labor; and if the activity of pickets in keeping strike-breakers from the plant be noted, the element of boycott in the strike is still more clearly shown. The identity of the labor boycott and the closed shop has already been discussed. In spite of the logical desirability of assigning to all such forms of pressure the term boycott, the chronological priority of the terms strike, closed shop, and blacklist, not to speak of the peculiar connotations of each, would make the substitution a source of confusion rather than of clearness. In order, therefore, so to delimit this study as not to include those forms of the boycott which are in everyday speech called strikes, blacklists, and so on, the term boycott will be used to describe the efforts of labor combinations to restrict the markets of employers in the purchase and sale of economic goods, whether these goods be raw materials, materials in a partial state of completion, or finished products about to be sold to the ultimate consumer.

The classification of boycotts which is most commonly used is that which divides them into primary and secondary. The primary boycott has been defined as that form in which "the action is directly against the offending employer, the members of the organization simply withholding their patronage as laborers or purchasers, and inducing their fellows to do the same."[9] Thus if the Metal Polishers' Union is involved in a dispute with the Buck's Stove and Range Company and the members of the union combine to withdraw their patronage from that firm, their action constitutes a primary boycott. If, furthermore, the boycott of the Metal Polishers is endorsed by the American Federation of Labor and the support of the members of affiliated unions is enlisted, the boycott is still primary. If, however, a boycott is imposed upon those retail merchants who are

[9] L. D. Clark, The Law of the Employment of Labor, p. 289. See also Adams and Sumner, p. 197; B. Wyman, The Control of the Market, p. 69.

customers of the Buck's Stove and Range Company, the boycott becomes a secondary one, since injury is inflicted upon persons not concerned with the original dispute with a view to forcing them to withdraw their patronage from the boycotted manufacturer. A secondary boycott may, therefore, be defined as a combination to withdraw patronage from a person in order to force that person in turn to withdraw his patronage from that individual or firm with whom the union was primarily at odds.

Boycotts have also been noted which are imposed upon persons who are still further removed from the original dispute. In the fur and felt hat industry, for example, the manufacturer frequently sells the finished product to a jobber and he in turn to a retail dealer. Here a boycott that is first imposed upon the manufacturer usually extends to the jobber and then to the retailer. The boycott upon the retail dealer may be described as a tertiary boycott. In other words, the boycott upon the manufacturer is primary; that on the jobber, secondary; and that on the retail merchant, tertiary. To secondary and tertiary boycotts, or in fact to all that extend to persons not concerned in the original dispute, the term compound boycott has been applied.[10]

For the basis of the various classifications of the boycott made by different writers other criteria than the relation of the boycotted person to the original disputants have been employed. The division, for example, into direct and indirect boycotts,[11] where the direct boycott consists in the publication in an unfair list of the name of the offending employer and the indirect boycott denotes the methods employed for the advertising of union employers by such de-

[10] Report of U. S. Industrial Commission, 1900, vol. vii, p. 119. L. D. Clark (The Law of the Employment of Labor, p. 290) and Adams and Sumner (p. 197) consider the expression secondary boycott as synonymous with compound boycott. It is perhaps better to use the expression compound boycott to describe boycotts against all persons not involved in the original dispute, whether those boycotts be secondary, tertiary or even of a higher order, whereas the primary boycott denotes that simple form in which the boycott is imposed directly upon the offending employer.

[11] G. Schwittau, Die Formen des wirtschaftlichen Kampfes, p. 237.

vices as the union label and the white and fair lists, is based upon the method of executing the boycott. Still another classification is descriptive of the manner in which the boycotted party is excluded from industrial intercourse. Thus the consumption-good boycott (Konsumtionsboykott) is that which prevents the sale of the products of the boycotted firm; the material-boycott (Lieferungsboykott) cuts off the supply of raw materials; and the complete boycott (Totalboykott) constitutes a complete blockade of the boycotted establishment and bars the owners from all industrial intercourse.[12] In this study, while in one form or another all of the foregoing classifications are employed, emphasis will be placed upon the distinctions arising from the character of the boycotted goods and from the character of the boycotters with particular regard to their positions in industry and to their state of organization, rather than upon the other criteria.

[12] E. Liechti, Die Verrufserklärung im modernen Erwerbsleben, speciell Boykott und Arbeitsperre, p. 39.

CHAPTER II

The History of the Boycott

The frequent use of the boycott in past as well as in contemporary history and analogies between the earlier and more recent forms of the boycott and between its industrial and social manifestations have been often indicated. Thus, James Fitzjames Stephen, writing in the Nineteenth Century in December, 1886, notes that "boycotting is only a modern application of the old Roman 'Ignis et aquae interdictio' and is very like the weapons of excommunication and interdict by which the Church of Rome was able practically to govern a great part of the world."[1] R. T. Ely describes the boycott imposed in 1327 by the citizens of Canterbury, England, on the monks of Christ's church, wherein they determine not to inhabit the prior's houses nor to "buy, sell or exchange drinks or victuals with the monastery."[2] A more recent writer states that the practice of boycotting, defined in its widest sense, "has been resorted to since the dawn of history. The Jews shunned the Samaritans; the Pharisees boycotted the Publicans, as far as social intercourse was concerned."[3] Its use is, also, to be distinguished in history in connection with many religious and political episodes. Finally, contributors to the journals of labor unions cite the boycotts imposed by the American colonists on British tea,[4] the boycotts on slave-made products of the abolitionists,

[1] On the Suppression of Boycotting, p. 774.
[2] The Labor Movement in America, p. 297.
[3] Laidler, p. 27.
[4] Attacks on the boycott by Senator Spooner and by Presidents Eliot and Hadley drew from the New York Call a defense of the boycott in which was cited the pre-revolutionary boycott upon tea. "Without any sanction of the law . . . they [the American Colonists] organized societies whose members were pledged not to buy a pound of tea or any other article on which duty had been paid" (The Carpenter, January, 1909, p. 17).

and the quasi-boycotts waged in this generation through such agencies as temperance societies and consumers' leagues.

Other writers, however, while admitting points of similarity between the modern manifestations of the boycott and these early forms of social and religious ostracism, have sought to develop a more rational line of evolution by tracing the contemporary boycott back to earlier forms of economic or industrial pressure. Accordingly, such writers as von Waltershausen and Liechti describe as historical forerunners of the boycott various rules and practices of the guilds; and they use as illustration the punishment inflicted upon both masters and journeymen for transgressions against guild rules. If a master commits the transgression, "no journeyman may work for him; he may not be present at guild meetings; on the market he must not stand near the other masters, but must sell his wares at a distance of three paces; if, however, the journeyman has committed the violation, no other journeyman may work with him; if he wishes to ply his trade in other places, he is pursued from place to place by circulars" announcing to the masters and journeymen his misdemeanor; he is, therefore, unable to obtain work anywhere within the jurisdiction of the guild.[5]

Although some resemblances can be detected between the practices of modern labor organizations and those of the guilds, the essential difference between the constitution of the trade union and the guild makes the comparison gratuitous. The guild was composed of both masters and journeymen, and exercised, therefore, disciplinary power over both. Frequently, also, the decrees and rules of the mediaeval guild had governmental sanction and support. The modern trade union, on the other hand, is composed only of the employed. Consequently, the rules and regulations of trade unions, while not unlike those of the guilds in form and content, differ from them in that the employers have no

[5] S. von Waltershausen, Die Nordamerikanischen Gewerkschaften, pp. 238, 239; Liechti, pp. 8, 9.

part in their formulation and cannot be bound by their terms. Such devices, accordingly, as the strike, the boycott, and the closed shop are not as in the case of the guilds, measures taken by an organization to enforce discipline among its members, but represent the weapons used by an organization to force compliance with its demands from non-members, who are in some cases employers and in others non-union workmen.

As employed, then, by the labor organizations of to-day, the boycott is far from constituting, as did many of the earlier forms of religious and social ostracism, a spontaneous revulsion of feeling in large masses of the people against a certain individual, with the result that they determine to cease all intercourse with him, social as well as economic, but it represents in most cases only the deliberate exercise by the officers and members of the union of a policy designed to blockade the establishments of hostile employers by interfering with their purchase of raw materials and their sale of finished products. To obtain a correct idea, therefore, of the factors responsible for the emergence and frequent use of the boycott in the industrial disputes of the last century, it is necessary to survey briefly the principles underlying the methods employed by labor organizations in forcing concessions from employers.

The essence of trade-union success is its ability to control the labor supply in particular trades. If this control is adequate, the union is able to call out its members on strike, to prevent the strikers from being replaced by non-unionists by the employment in the dispute of such devices as the joint-closed shop and the extended-closed shop,[6] and consequently

[6] Where the joint-closed shop is in force members of different trades in the same shop will strike when an attempt is made to replace the members of one union by non-union workmen. Under the extended-closed shop members of the same trade union, working for employers who have several establishments in the same city or in several cities, will strike when their fellow-members employed in one of these shops have been succeeded by scabs. Thus, should a building contractor employ non-union carpenters on one of his building operations in New York City, a strike on that job of painters, hod-carriers, tile layers, and of twenty or more other

to close down an employer's establishment until he yields to their demands. Furthermore, in times of industrial peace the union often succeeds in preventing the employer from building up in his establishment a reserve army of non-unionists by the adoption and rigid enforcement of various closed-shop rules, which are designed to shut off the employment in organized shops of non-union workmen. Control of the labor supply in an industry, however, presupposes the power of union officials to organize the majority of the workmen in that industry, and this organization is not always possible. When, therefore, the ordinary methods of organization have failed, or are at the outset seen to be inoperative, the union must devise a supplementary resource. This resource has been, in this country, the boycott of the products of unfair firms.

In consonance with this view it has been stated that "for the enforcement upon employers of the union trade regulations, the Printers rely upon two resources: (a) the control by the union of the workmen in the trade, (b) the power to divert patronage from employers who do not observe the regulations."[7] And what is true of the Printers in this respect has been true in varying degrees of the great majority of American and of a few foreign labor organizations. The inability of the unions to regulate the conditions of manufacture of a product has led to efforts to prevent its sale. From this general analysis it follows that the boycott should emerge under those conditions (1) where organization of the labor force is impossible and (2) where organization is fraught with such difficulties as to make it unlikely.

(1) In modern industry practically the only workman

unions would be precipitated. Similarly, should the Fuller Construction Company, for example, discharge union bricklayers in San Francisco, the bricklayers' and masons' union would call out on strike its members employed by that same company in other cities. For a fuller description of these forms of the closed shop see F. T. Stockton. "The Closed Shop in American Trade Unions," in Johns Hopkins University Studies, ser. xxix, no. 3, chs. iv, v.

[7] G. E. Barnett, "The Printers: A Study in American Trade Unionism," in American Economic Association Quarterly, third series, vol. x, no. 3, p. 259.

whom it is totally impossible to organize is the convict laborer. By reason of his confinement under the absolute control of prison authorities as regards all of his activities, he is not susceptible to trade-union pressure. His wages, his hours of labor, and his working conditions are determined not by individual bargaining, but by state or municipal contracts in the making of which he has no voice. Working, therefore, as he does for low wages in active competition with the more highly paid free labor, he has always been recognized as constituting a menace to the prosperity of union members. As a result, either in self-defense or in sympathy with the workmen in other trades many labor organizations early in their history have declared boycotts upon prison-made products. Unions, for example, like the Coopers, the Granite Cutters, the Stone Cutters, the Broom Makers, and the Garment Workers, whose products have always come into direct competition with the products of prison labor, have for years carried on continuous boycotts upon prison products.

(2) Organization is difficult or unlikely when the employer is strong enough to resist union attempts to organize his workmen and when the employees are of such a character as not to desire membership in a labor union. Thus, for example, in 1887 the Knights of Labor found it impossible to organize the workmen of a large steel plant in Pittsburgh because the employers, by an elaborate system of espionage, were able to detect those workmen who had been converted to unionism and would dismiss them as soon as they joined the Order. The Amalgamated Association of Iron and Steel Workers had also made similar unsuccessful attempts to organize the plant. As a consequence, a boycott was imposed by the Knights of Labor on the product of the company.[8] Occasionally the resistance of an employer to

[8] Proceedings of the Eleventh Regular Session of the General Assembly of the Knights of Labor, 1887, pp. 1669, 1794. A similar situation obtained in the efforts of the metal polishers' union to organize the National Sewing Machine Company. For nine years this firm had been able to prevent the organization of its workmen by having the "foremen of all departments of the company dis-

the efforts of labor unions to organize his employees is increased by his membership in an employers' association. The Upholsterers' International Union, for example, tried to organize the upholsterers, carpet workers, and drapers in the employ of several department and dry-goods stores in New York. The owners of these stores were combined in an employers' association that was opposed to the organization of these workingmen. The union therefore requested the imposition of a boycott on Macy, Siegel-Cooper, and other employers who were most prominent in the deliberations of the employers' association.[9]

Furthermore, where the labor organizations are confronted not only by hostile employers, but also by laborers who are themselves indifferent or opposed to organization, the placing of a boycott is inevitable. This difficulty is encountered in the organization of woman and child labor, on the one hand, and of unskilled laborers in the so-called open shops, on the other. The argument often advanced by the carpenters to justify their boycott of non-union trim is that the women and children working in the wood mills cannot, because of their ignorance and indifference, be organized into effective labor organizations that could be expected to strike for improved working conditions and higher wages. A former secretary of the New York District Council of the Carpenters, writing of the difficulties which confront organized labor in the open shop, states that organized labor "has come to many citadels which cannot be carried by the assault of strike. These are 'open-shops.' Parleying with those within has failed. New weapons must be brought into play and a siege begun."[10] And the most effective of the new weapons is the boycott.

charge men as soon as they join a labor union." Finally, therefore, the company was boycotted (Proceedings of the Twenty-third Annual Convention of the American Federation of Labor, 1903, p. 106).

[9] Proceedings of the Twenty-third Annual Convention of the American Federation of Labor, 1903, p. 125.

[10] E. H. Neal, "The Open Shop," North American Review, May, 1912, p. 618.

Most boycotts, however, are imposed to supplement long drawn out and apparently unsuccessful strikes. In practically every strike that is not won during the first few weeks, the unionists, fearful lest it be doomed to failure, seek to exert additional pressure upon the employer by boycotting him. The Garment Workers entered in 1895 upon a strike against the Rochester Clothing Manufacturers; two years later, the strike having by that time become hopeless, the convention of the union decided to wage a vigorous boycott against the manufacturers and in that way bring them to terms.[11] In his report to the convention of 1896 the secretary of the American Federation of Labor writes that "the history of strikes and lockouts of late years proves they are not won, in the great majority of cases, because of the lack of scabs."[12] but that the boycott is a most important element in determining the issue.[13]

The earliest instances of boycott in the United States seem to have been forms of the sympathetic strike or the boycott on materials. The general strike of the New York cordwainers in 1809 was caused by the fact that the employers "originally involved" had attempted to have their goods manufactured in other shops, and had, consequently, precipitated strikes among the workmen of other employers, who refused to contribute to the production of unfair goods.[14] In 1827 the journeymen tailors of Philadelphia struck against several master tailors. When the master tailors later attempted to have their work done in other

[11] Report of the General Secretary to the Sixth General Convention of the United Garment Workers, 1897, in the Garment Worker, January, 1898, pp. 4–14.

[12] Proceedings, p. 25.

[13] "Es [the boycott] erscheint als eine Ergänzung des Strikes" (v. Waltershausen, "Boycotten, ein neues Kampfmittel der Amerikanischen Werkvereine," in Jahrbücher für National Ökonomie u. Statistik, vol. 45, p. 5); "The industrial boycott almost invariably but not always or necessarily, is a phase of the strike or lockout, but it sometimes exists apart from either" (J. Burnett, "The Boycott as an Element in Trade Disputes," in Economic Journal, vol. i, p. 164).

[14] Hall, "Sympathetic Strikes and Sympathetic Lockouts," in Columbia Studies in History, Economics and Public Law, vol. x, p. 35.

shops, the strikers succeeded in persuading the journeymen there employed to refuse to do any work while the orders of the unfair firms were being received.[15] Within the category of boycotts on materials falls the action taken by the journeymen stone cutters of New York, when in 1830 they imposed a boycott on convict-cut stone. "Most of the stone cutters," they said, "have entered into a voluntary agreement to refrain from working stone from the states' prisons, and deputations have been sent to those who continued to work such stone."[16]

Apparently one of the first instances of the boycott on commodities, where the appeal was to the workman not as a producer but as a consumer, was the boycott imposed in Baltimore in 1833 at a meeting of "the citizens generally" upon master hatters who had combined to cut the wages of their journeymen.[17] In October of the same year the Association of Printers of New York decided, at the suggestion of an employer, to publish the "names of all employing printers who do not pay the scale of prices." Similar lists were published in one form or another until April, 1840. For several months in 1836 a fair, as well as an unfair, list was published in the Union and Transcript, a penny daily labor paper, published by the Printers' Union during a few months of that year. In April, 1840, however, the union was sued for libel, and the publication of the unfair list ceased.[18] Although the printing of these lists may have been designed to divert patronage from unfair employers, it is not entirely clear that the prime motive for their advertisement was not to keep union laborers from working for these employers rather than to persuade consumers to withdraw their patronage.

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[15] Third Annual Report of the United States Commissioner of Labor, p. 1122.

[16] New York Sentinel and Workingman's Advocate, June 30, 1830, p. 3.

[17] J. R. Commons and H. L. Sumner, Documentary History of American Industrial Society, vol. vi, p. 100.

[18] G. A. Stevens, "New York Typographical Union No. 6," in Annual Report, New York Bureau of Labor Statistics, 1911, Part I, pp. 145, 153.

In 1850 the boycott again appeared in New York City in connection with the labor movement that resulted in the organization of many of the workingmen in that city. Conspicuous in this movement to organize the laborers of New York were the tailors, who in March, 1850, formed the Journeymen Tailors' Union. In the summer of that year a central association called the Industrial Congress and composed of representatives of the unions was established. At a session of this Congress on July 30 a resolution was adopted boycotting the clothing firms that were antagonistic to the Tailors' Union. The resolution, which was introduced by the masons, provided that, "as tailors of New York are on strike for wages, we the Industrial Congress will not patronize any store or shop that does not pay the proper prices to their workmen, and that we report the same to our respective societies. Be it further resolved that the tailors be requested to publish the names and numbers of such as do not pay the prices demanded."[19]

These comparatively early instances of the boycott are of small importance in the American Labor movement. Imposed sporadically when organization succeeded in getting a foothold in different parts of the country and discarded when it collapsed, the boycott did not become an effective and important weapon of labor unions until 1880. But from that year to the present time, first under the Knights of Labor and then under the American Federation of Labor, it has had an almost continuous history of successful employment as an acknowledged and a universal method of trade-union pressure.

Almost without warning the boycott suddenly emerged in 1880 to become for the next ten or fifteen years the most effective weapon of unionism. There was no object so mean and no person so exalted as to escape its power. Side by side, with equal prominence, the Knights of Labor boycotted clothing manufacturers and their draymen, insignifi-

[19] G. A. Stevens, pp. 1–3, 10, 11.

cant country grocers and presidential candidates, insipid periodicals and the currency of a nation, our national banknotes.[20] Although no statement can be found to the effect that it was the policy of the Order to employ the boycott as its principal means of aggression, and although the resolution providing that the Order "adopt a general system of boycotting instead of strikes" was rejected by the convention of 1884, there can be little doubt that in actual practice the Knights of Labor were primarily a boycotting organization. Disregarding even the numerous instances of actual boycotts, the very tone of their articles and their attitude of threatened withdrawal of support or patronage from almost all of their opponents attests the existence of a definite boycotting policy to which all other resources were subsidiary.

The spectacular appearance at this time of the boycott and its subsequent popularity may be ascribed to the influence of several factors. Its "sudden emergence in 1880 as an important means of enforcing the demands of the unions upon recalcitrant employers" was primarily "due to the solidarity given the trade union movement by the growth of the Knights of Labor."[21] Furthermore, it was perhaps true of the period immediately before and after 1880 that trade-union sentiments had not as yet been disseminated to a marked extent and that the organization of labor had to be carried on for the most part among workmen who, like many of the present-day immigrant laborers, had not yet learned the desirability of continuous membership in labor organizations. To the large numbers of unskilled workmen who were now for the first time experiencing the advantages and disadvantages of organization, the monthly or weekly payment of dues, through which alone could be built up the war funds indispensable for the effective management of strikes, was at once new and dis-

[20] Address of the Grand Master Workman to the Nineteenth Regular Session of the General Assembly of the Knights of Labor, 1895, pp. 4, 104.

[21] Barnett, The Printers, p. 269.

tasteful. With funds insufficient for the universal payment of strike benefits and inadequate to provide the expenses of transporting scabs from the seat of strikes to places where there were no conflicts in progress, it is small wonder that the boycott was often invoked to supplement the unsuccessful strike. In addition to these internal factors favorable to the use of the boycott, it had become easier, because of the growing concentration of population in cities and the increasing division of labor, to replace strikers with non-union workmen, thus again rendering more unfavorable the chances for successful strikes.[22] Appearing, therefore, in 1879 and 1880 as a compact labor organization, composed in the main of workmen ignorant of the difficulties and necessities of organization; not oversupplied with funds; finding it necessary to employ spectacular and effective, but cheap, methods of aggression; controlling, however, a not insignificant purchasing power, the Knights of Labor immediately seized in 1880 upon the boycott as a unique and logical source of strength.

Boycotting under the Knights of Labor falls roughly into three periods. The first period from the beginning to 1885 was one of indiscriminate, unregulated, local boycotting. The second from 1885 to about 1892 was characterized by the central control and careful execution of the boycott; and the third period was marked by the extension of the boycott, still under a central but much weakened control, to new fields of industrial warfare.

(1) Members of labor organizations generally hold that it is an individual's right to use his patronage as he sees fit; it follows, they contend, that any number of individuals may collectively agree to withdraw their patronage from hostile firms. The right to withdraw patronage and to request others to withdraw it is, therefore, a species of inalienable right which workingmen are exceedingly reluctant to relinquish to the control of a distant central office.

[22] v. Waltershausen, Die Nordamerikanischen Gewerkschaften, p. 241.

Such was apparently the prevailing opinion in the rank and file of the Order in the first few years of its history. Accordingly, practically all boycotts emanated from the local and district assemblies, while their enforcement and regulation were left in the same hands. There was, to be sure, the general provision adopted in 1882 that "no firm or individual employer shall be subject to general boycotting without the consent of the majority of the executive board." The general terms of this provision, however; its failure to define general boycotting, and the fact that the members of the Order did not yet fully comprehend the desirability of a restricted and regulated system of boycott, rendered this provision valueless. Local and district assemblies boycotted when they pleased and what they pleased; firms fair to one local assembly would be boycotted by a neighboring assembly.

Such a situation elicited from the grand master workman before the assembly of 1885 the recommendation that, inasmuch as the general assembly had not heretofore enacted adequate legislation for the regulation of boycotting throughout the Order, "the power to decide upon the wisdom of embarking in a boycotting crusade should be placed in the hands of the Executive Board." This recommendation met with considerable opposition on the part of the local assemblies. To them the organization on the spot was most competent to judge when and where a boycott should be levied. Accordingly, the proposed amendment to the constitution providing that "only the Executive Board have the power to issue a boycott" was rejected. Nevertheless, this period of unrestrained local boycotting was brought to a close by the adoption at the same convention of two rules: one granting local, district, and state assemblies the right to initiate boycotts that did not effect other localities; the second providing that whenever any local or district assembly desired to initiate a boycott that might affect other localities, "the facts must be gathered and presented to the Executive Board which after a careful examination shall have the power to institute a general boycott."

(2) In 1885, then, the Knights of Labor entered upon a period of boycotting characterized by the subordination of local to national authorities in the matter of control. The first boycott emanating directly from the general executive board and operating throughout the Order was in that year imposed upon the Dueber Company, a large watchcase manufactory of Newport, Kentucky.[23] With such vigor and persistency was this boycott waged that all doubts that may have previously existed as to the desirability of a system of centrally imposed boycotting were at once dispelled. Indeed, so systematically were future general boycotts operated that the casual correspondence of the previous period was succeeded by such a stream of letters and instructions that the governmental mechanism of the Order was extended in 1887 by the establishment of a "Boycotting Department."

In this period, too, were perfected the details involved in the announcement of boycotts, in the tracing of boycotted goods, and in the local enforcement of the boycott, matters in which the Knights attained a degree of skill that has not since been surpassed. The articles published in their journals advising members that hostilities with certain firms had been begun and that a boycott upon their products was in order were masterpieces of that form of persuasive composition; facts concerning the sources and destinations of unfair commodities were often printed in the journal with the most minute details. Nor was this condition of central control, with its ability to concentrate the forces of the Order upon single firms and its greater efficiency in management, without its fruits. On the capitulation of the Liggett and Meyers Tobacco Company in June, 1893, following a six years' boycott, the editor of the journal asserted that "up to date the Knights of Labor had never lost a boycott; and powerful and wealthy as an enemy may be, it is only a question of time when the end must come either in bankruptcy or surrender,"[24] a judgment which, while

[23] Proceedings, 1885, p. 78.
[24] Journal of the Knights of Labor, June 8, 1893, p. 1.

perhaps not to be taken literally, contained more than a modicum of truth.

(3) From 1892 to 1900 the Order of the Knights of Labor was in a moribund state. Torn by internal dissensions following the defeat of Powderly as grand master workman, and further weakened by the vigorous attacks of its rival, the American Federation of Labor, the Order, despite its frequent boasts of greater strength and increased success, was rapidly declining in membership and in power. Its proceedings had become a mass of criminations and recriminations, its journals the forum for the propagation and discussion of political and social panaceas. Although boycotting notices were published during this period, they were not so extensive as in the period before and were sporadic rather than continuous in appearance. But what the boycott against the customary foes lacked in vigor was amply compensated for by the imposition of boycotts on the products of new adversaries, the members of the trade unions now affiliated with the American Federation of Labor.

Early in its history the relation of the Knights of Labor to existing trade organizations had been one of tolerance, perhaps induced by the belief that the trade organization was as likely to be useful to them as they were to be useful to it. Unless, therefore, the trade unions were antagonistic to the Order, it was inclined to be friendly. In conformity with this spirit, the Knights had adopted in 1885, in connection with other rules designed to regulate the use of the boycott, the principle that when the boycott of a trade organization was endorsed by the district assembly, all the local assemblies within the jurisdiction of the assembly must also endorse it and take proper measures to have their members "strictly adhere" to it.

This peaceful state of affairs was not to endure long. Probably during the whole history of the Knights of Labor, and certainly as early as 1884,[25] there were occasional disputes between trade organizations and the Knights. In the

[25] Proceedings, 1884, p. 642.

main these disputes arose from the circumstance of the competition between two labor organizations for the control of workingmen and their positions. Thus, the Knights of Labor, which contained in its organization local assemblies of iron molders, boycotted in 1888 the Fuller, Warren Stove Company; at the same time the journal of the Iron Molders' Union contained an article designating that company as a friend of organized labor.[26] The inevitable result of such a situation was the appearance of signs of hostility in both organizations; in the Iron Molders because the boycott harmed an employer who from their standpoint was fair, and in the Knights because the Iron Molders, by proclaiming the fairness of the boycotted stove manufacturer, succeeded in destroying the effectiveness of their boycott.

An analogous situation arose when either the trade union or the Knights of Labor would adopt a label, which would be for a time the only label of organized labor to be used on that commodity. In the meanwhile another organization would spring up, adopt a label, and place it on the same commodity, and in consequence the labels would become competitors and their sponsors antagonists. Out of such a situation arose the dispute between the Knights of Labor and the Cigar Makers' Union. In February, 1884, the general executive board of the Knights had adopted a label which was almost immediately used by certain assemblies of cigar makers; and "early in 1886 the Cigar Makers' International Union protested to the Knights of Labor that assemblies of cigar makers had given 'white labels' to manufacturers in whose shops union cigar makers were on a strike."[27] In that same year the Cigar Makers' International Union sent men and circulars through the Order, requesting the members "to boycott all goods except those bearing the International blue label," and charging that the grand master workman and the rest of the general executive board had "cooperated in the organization of scabs

[26] Journal of United Labor, April 21, 1888, p. 2614.
[27] E. R. Spedden, "The Trade Union Label," in Johns Hopkins University Studies, ser. xxviii, no. 2, pp. 17, 19.

into the Order."[28] The dispute culminated in an edict by the general assembly of the Knights in 1886 requiring all cigar makers who were members of the Knights of Labor to withdraw from the Cigar Makers' Union.[29] After that the Cigar Makers, now secretly and now openly, boycotted cigars bearing the label of the Knights of Labor, and the latter retaliated by boycotting goods which bore the blue label of the Cigar Makers.

The experience of the Knights of Labor with the Cigar Makers' Union, with the exception of the complications due to the use of two labels, was repeated after 1890 with even greater disaster to the Order. In most cases the trade unions of Garment Workers and Brewery Workmen, aided and encouraged by the American Federation of Labor, led the fight against the Knights. For example, when a clothing firm in 1896 replaced cutters belonging to the Knights of Labor with members of the Garment Workers' Union, the Knights of Labor imposed a boycott on the product of the firm.[30] Again, in the following year the Brewery Workmen's Union boycotted a Rochester brewery because that company employed members of the Knights of Labor; the Knights responded by boycotting those breweries which employed members of the Brewery Workmen's Union.[31] With a view to a peaceful adjustment of the disputes between these organizations a harmony conference, composed of representatives from the Knights of Labor and the trade organizations, was held in 1894. The conference, however, recommended the withdrawal of the Knights in practically all industries where trade unions were organized. The representatives of the Knights of Labor opposed the report, and the conference came to naught.[32] These boycotts and counter-boycotts continued to be imposed until about 1900,

[28] Proceedings of the Tenth Regular Session of the General Assembly of the Knights of Labor, 1886, p. 137.
[29] Spedden, p. 19.
[30] Journal of the Knights of Labor, April 9, 1896, p. 2.
[31] Ibid., April 29, 1897, p. 1.
[32] American Federationist, July, 1894, p. 108.

when the internal warfare ceased with the total collapse of the Knights of Labor movement.

The series of railroad strikes or boycotts carried on by the Knights of Labor and by the railway brotherhoods represented important episodes in the history of the boycott between 1885 and 1895. One of the earliest of these was the strike on the Union Pacific in 1885, when the Knights of Labor refused to assist in moving any of the rolling-stock of the Wabash System. Similar boycotts on rolling-stock were imposed from time to time. In 1894 this form of boycott reached its climax in the famous strike of the American Railway Union. This union was an organization of the employees of all branches of the railway service which, under the leadership of Debs, had succeeded the "Supreme Council of the United Order of Railway Employes, a loose federation of railway unions, disbanded in June, 1892."[33] When, in the summer of 1894, certain employees of the Pullman Palace Car Company went on strike, the "American Railway Union determined to support the strikers, and for this purpose ordered its members to refuse to work upon any train to which a Pullman car was attached. As nearly all the railroads centering at Chicago were under contract with the Pullman Company to draw its sleeping cars and parlor cars, a conflict immediately resulted between the railroads and their employees, and a strike of vast proportions among train hands followed."[34] With the loss of this boycott and the imprisonment of Debs and other officers of the union by the United States authorities, the union soon disintegrated, and the railroad boycott

[33] W. Kirk, "National Labor Federations in the United States," in Johns Hopkins University Studies, ser. xxiv, nos. 9–10, p. 124.

[34] W. H. Dunbar, "Government by Injunction," in Economic Studies of the American Economic Association, vol. iii, no. 1, p. 14. The Knights of Labor supported the boycott of the American Railway Union by notifying the travelling public that those who patronized Pullman coaches would be boycotted by the Order (Journal of the Knights of Labor, July 5, 1894, p. 1). For a more detailed description of the Pullman boycott, see Laidler, p. 100.

never again attained a conspicuous position in the history of the boycotts of American labor organizations.

From 1881 to 1890 the American Federation of Labor played an unimportant role as a boycotting agency, and was, indeed, overshadowed in all respects by the activities of the Knights of Labor. After 1890, in conjunction with several of the larger national unions, it assumed charge of the campaign against the Knights that brought about the defeat of that organization. The boycotting life of the American Federation of Labor can be conveniently dated from the practical disappearance about 1895 of the Knights of Labor as a factor in the American labor movement. It is, of course, true that the American Federation of Labor boycotted before 1895 and that the Knights of Labor continued to live and to boycott for a few years after 1895. That year, however, marks approximately the turning-point in the fortunes of the two organizations; by the middle of the decade the supremacy of the American Federation of Labor was definitely asserted, and it was left free to proceed against new foes.

The history of the boycott under the American Federation of Labor is in reality a history of the boycott as employed by its constituent national unions. The importance of the American Federation of Labor as a boycotting agency has often been overestimated because of the failure to observe that the actual waging of the boycotts, with the exception of the advertisement in the American Federationist, rests with the unions themselves. Nor does the American Federation of Labor, beyond some slight control over the central labor unions and its ability to restrict the publication of names on its "We Don't Patronize" list, possess much power in regulating the placing of boycotts by the national unions.

Even as early as the eighties, before the American Federation of Labor was in existence, such unions as the Brewery Workmen and the Typographical Union carried on suc-

cessful boycotts. By 1890 the Brewery Workmen, with the support of the Knights of Labor, had won several important boycotts that effected the organization of large non-union plants. The history of boycotts from 1890 on has been a story of the placing by national unions of great boycotts, the facts of which were made known through the publications of the American Federation of Labor. The United Hatters, for example, from about 1896 to 1902 systematically boycotted firms unfair to the union. The Metal Polishers boycotted, among others, the National Cash Register Company and the Buck's Stove and Range Company; the Garment Workers, the firms belonging to the Rochester and Chicago Employers' Associations. The Carpenters have since 1896 been carrying on a campaign, which in effectiveness has rarely been surpassed in this country, against the use of unfair building trim. The list could be extended to include such unions as the Bakers and Confectioners, the Coopers, the Printers, the Bookbinders, and others, only a small fraction of whose boycotts have appeared on the unfair list in the American Federationist.

The influence of the American Federation of Labor has been exerted in inducing in its members a greater conservatism in the employment of the boycott. Practically the great majority of its legislative acts in the period from 1893 to 1908 have been designed to control the too frequent use of the boycott. At the convention of 1894 the executive council remarked "the impracticability of the indorsement of too many applications of this sort. There is too much diffusion of effort which fails to accomplish the best results."[35] Thereafter, every few years saw the adoption of new rules restricting the endorsement of boycotts. Efforts at amicable adjustment must be made first by the national union concerned and later by the executive council of the Federation; the number of unfair firms of each national union that might appear on the "We Don't Patronize" list must be limited to three; the unions whose boycotts the

[35] Proceedings of the Fourteenth Annual Convention, 1894, p. 25.

Federation has endorsed must make quarterly reports of the progress of the boycotts and of the efforts put forth in furthering them; the central labor union is not permitted to originate boycotts or to endorse boycotts without consulting the national unions whose interests are involved; efforts are made to prevent the imposition of boycotts upon firms that have somewhere in their employ union workingmen. If there are added to these formal rules the statements of union officials and members urging a greater care and conservatism in the application of the boycott, a correct idea will be had of the place of the American Federation of Labor as a boycotting agency.

These measures were adopted not for the reason that the American Federation of Labor desired to restrict the use of the boycott because it was opposed to that weapon as a method of industrial warfare, but because it foresaw as a result of its uncontrolled application a marked loss in effectiveness. In spite of the fact, however, that similar restrictive tendencies have developed to a marked degree among the national unions of the country, there has probably been between the years 1895 and 1908 a gradual absolute increase but a relative decrease in the number of boycotts in this country. Indeed, there is no reason to believe that in its broad general outlines the quantitative course of the boycott has been very different from that of the strike, with these qualifications, however, that public opposition and the interference of the courts have combined to limit significantly the frequency of boycotts.[36]

[36] Strike statistics for the United States are available only until 1905. They show that there has been an increase since 1881 in the absolute number of strikes, but a slower increase, or even a decrease, in their number relatively to the growth of industry. It is to be expected that, as the number of strikes increases, the necessity for the use of the boycott should become greater and the number of boycotts should also increase. Inasmuch, however, as the boycott is for the most part employed as an auxiliary to those strikes that are of long duration and that have been apparently unsuccessful, the boycotts should in absolute frequency lag considerably behind strikes. Statistics of the average duration of strikes and the proportion of successful strikes since 1881 show marked tendencies neither of increase nor of decrease. There would,

The decision of the United States Supreme Court in February, 1908, that caused the cessation of the publication by trade unions of their unfair lists marks a turning-point in the history of the boycott. Even before that decision, to be sure, the use of this device had been hampered by legal interference. But this verdict of the highest court in the land, exposing trade unionists to the payment of immense damages, and interpreted by the legal advisers of the American Federation of Labor as precluding the advertisement thereafter of the names of unfair firms, imposed upon the boycott a much greater legal disability than it had suffered through the issue of injunctions by the state courts. Once for all, the principles were laid down as authoritative throughout the whole country by a court of the highest prestige, first, that a boycott by a labor organization on the product of a firm doing an interstate business constitutes an interference with interstate commerce, and, second, that trade unions are subject to action under the Sherman Anti-Trust Act and to the payment of damages for the use of such pressure. The effect of the decision has been undoubtedly to reduce greatly but not to eliminate entirely the use of the boycott. The labor organizations have not, however, surrendered their whole control over the purchasing power of their members, but, as is indicated by the great increase in the use of the union label since 1908, they have, at least in some trades, exercised this control in a more peaceful, if less effective manner.

The treatment has thus far been concerned with the historical development of the boycott by American labor or-

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therefore, be little fluctuation in the frequency of the boycott due to these causes. On the other hand, the growing hostility of the courts in recent years must have caused an appreciable decrease in the number of boycotts. A conservative opinion would, therefore, note a slow increase in the absolute frequency of the boycott and a decrease in its relative frequency (Twenty-first Annual Report of the Commissioner of Labor on Strikes and Lockouts, 1906). See also G. G. Huebner, "The Statistical Aspect of the Strike," in Twelfth Report, Bureau of Labor Statistics, Wisconsin, 1905–1906, p. 75.

ganizations upon materials and commodities. For a long time labor unions have been imposing upon candidates for public offices political boycotts, wherein they publicly announce opposition to certain candidates and request friends and sympathizers to boycott them by voting for their opponents. Under the Knights of Labor this was a favorite form of the boycott, made possible by the existence in the large membership of the Order of a substantial "labor vote." Whenever a candidate for public office would in any way associate himself with unfair establishments or persons, or would exhibit his hostility to organized labor by publicly opposing measures which they advocated, or vice versa, he would promptly be boycotted. Thus the boycott on Blaine, carried on during his presidential campaign by the Typographical Union, with the aid of the Knights of Labor, was imposed because Blaine did not repudiate the support of the New York Tribune, a newspaper unfair to the Typographical Union.

This intense political activity of the Knights of Labor in supporting and opposing men and measures, which was later widened to include extensive political programs, contributed ultimately to their downfall. The reaction against such activity set in with the growth of the American Federation of Labor, which in its early days seems to have made little use of the political boycott. Indeed, Professor A. C. Pigou, in commenting on the supersession of the Knights of Labor by the American Federation of Labor, notes that political measures work best through localities, whereas economic pressure is exerted most freely through trades, thus explaining the greater political activity of the Knights.[37] Since 1900, however, the American Federation of Labor, finding itself and its constituent unions harassed

[37] Principles and Methods of Industrial Peace, p. 12. Kirk, also, writes: "Reference has been made to the claim repeatedly advanced that the industrial union has a strategic advantage over the trade union in bargaining and that one element in this superiority is the control exercised by a central authority over a larger and more representative body of work people in a single locality. The same causes operate to increase the effectiveness of the industrial union in political activity" (p. 146).

by injunctions and its activities greatly hindered by what it considers the anti-labor prejudices of the courts, has not hesitated to support and to advise constituent unions to support certain ameliorative measures before Congress and before state legislatures, and in addition has waged political boycotts upon public officials whose opposition to these labor measures has been notoriously bitter.[38] Of such a character were the vigorous boycotts launched against the candidacies of Congressmen Cannon and Littlefield, also the negative boycott on the Republican national candidates in 1908, when the American Federation of Labor offered semi-official support to the Democratic party, which had inserted into its platform an anti-injunction plank satisfactory to the labor interests. Many of the constituent unions of the American Federation of Labor also occasionally employ the political boycott; thus the Garment Workers had in their constitution a provision stating that it was the duty of all members "to refuse to vote for any political candidate regardless of party who was not friendly to the cause of labor,"[39]—a general provision which could, when necessary, be easily particularized in time and place. Other unions such as the Western Federation of Miners and the United Brewery Workmen endeavored to swing their workmen to the support of socialistic candidates.[40] In spite of these political activities, the membership of present-day American labor organizations, divided as it is into the socialistic and anti-socialistic camps, lacks the political solidarity that

[38] "The increasingly frequent use of the injunction, after the middle of the nineties, irritated them [i. e., the American workmen] and awakened in them a feeling of bitterness toward the courts. The limitations placed upon the use of the boycott, the attitude of the courts toward labor legislation, the use of the Sherman Anti-Trust Act as a weapon against labor organizations and disappointing experiences with a number of politicians of the old parties—all these circumstances disposed the workmen to listen to the preachers of political action" (L. Levine, "Development of Syndicalism in America," Political Science Quarterly, September, 1913, p. 456).

[39] Constitution, 1900, p. 40.

[40] Kirk, p. 147.

is a prerequisite to the successful, general application of the political boycott.

The boycott has not only been weakened by legal prohibitions, but its efficiency has been greatly reduced by the aggressions of certain employers' associations. The measures adopted by such associations have been in the main designed to aid the boycotted employer during the period of the boycott. The Brewers' Association adopted in 1886 the rule that no member of the association should sell "beer, porter, or ale" to any of the customers of another member who was involved in a boycott;[41] in this way the consumers could not obtain a substitute for the boycotted beer and would, therefore, be forced to raise the siege. Similarly, the members of the Stove Founders' National Defense Association endeavored to aid a boycotted employer by providing that, when the "goods of any member of the association are boycotted, none of the members of the union originating the boycott should be given employment by any member of the Association."[42] A more direct method of counteracting the effects of a trade-union boycott was illustrated in the plan of the Chicago Employers' Association, an organization of 3000 members, divided into about 50 distinct trades and businesses; this association proposed to place any boycotted member upon a fair list, and then to have "the members of the whole federation give to that firm all the business" possible.[43]

In recent years, however, the employers' association which has rendered the most effective service in demolishing the boycott and which proceeds not by indirect methods but by directly attacking the legality of the boycott is the American Anti-Boycott Association, organized in October, 1902. After the beginning of the Loewe boy-

[41] H. Schlüter, The Brewing Industry and The Brewery Workers' Movement in America, p. 144.

[42] F. W. Hilbert, "Employers' Associations in the United States," in Studies in American Trade Unionism, edited by Hollander and Barnett, p. 196.

[43] Ibid., p. 211.

cott, a small group of hat manufacturers addressed "letters to all employers who were on the unfair list or had been boycotted." When many favorable answers were received, Mr. Daniel Davenport was sent to interview the manufacturers to whom letters had been written. With these preliminaries the association was organized.[44] Its attitude toward the boycott is reflected in the following report of a former secretary of the association: "The boycott must be regarded as that un-American and reprehensible practice of organized labor whereby the products of a given manufacturer or any individual are held up to denunciation, contempt, and proscription under a spirit of blackmail, merely because in the opinion of a prejudiced class, whose verdict for this very reason may be biased and therefore unjust, the manufacturer or workman is regarded as unfair to labor. Such a practice is foreign to principles of fair dealing and equity which we love to regard as the spirit of our nation."[45]

In its activities the association has proceeded along four lines. It has, in the first place, sought to have the law of the boycott interpreted by carrying test cases into court. On account of the great expense involved in carrying cases through the various state and federal courts an individual employer is ordinarily timid about venturing on long periods of litigation; in that event the fight is carried on by the American Anti-Boycott Association. It was, for example, conspicuously instrumental in bringing to court both the Danbury Hatters and the Buck's Stove and Range Company cases, and finally succeeded in the former case in obtaining from the Supreme Court a most important decision. The association next tries to have the interpretations of the court applied to future violations, a course which it has pursued with considerable success in its prosecutions against the Carpenters' Union for boycotting trim. Third, it makes appeals for public sympathy by encouraging the widespread

[44] Convention Bulletin of the American Anti-Boycott Association, March, 1908, p. 5.

[45] Ibid., February, 1907. Report of Secretary Boocock.

publication in newspapers and periodicals of the accounts of individual boycotts.[46] Finally, it seeks to preserve the present state of the law. To accomplish this latter object the association employs at Washington a lobbyist whose duty it is to counteract the influence of labor sympathizers and to prevent the passage of such acts as would, for example, weaken the power of the injunction and exempt labor organizations from the Sherman Anti-Trust Act.[47] The American Anti-Boycott Association has been singularly successful in achieving its purpose. By procuring important judicial interpretations adverse to the boycott, by contributing to the more stringent enforcement of laws, by scattering its discussions broadcast, and, finally, by preventing amendments to existing laws, it has been, since its organization, the most potent enemy of the boycott.

The boycott as employed by labor organizations has been almost exclusively an American institution; Schwittau, in a recent book, calls the United States the "classic home of the boycott."[48] Occasional instances of its use in foreign countries, notably England and Germany, have been recorded. In Germany the use of the boycott has had an important political aspect; thus many of the early boycotts were imposed upon inns, because their proprietors refused to furnish rooms for meetings of the Social Democratic party.[49] In 1894, however, the workmen in Berlin imposed a boycott upon the members of a Brewers' Employers' Association; this boycott was so effective that it elicited from the secretary of that association the judgment that the emergence of the boycott added to the existing stock of measures to be used in social and industrial warfare a new

[46] A typical publication of the Association is a pamphlet containing an account of the boycott against D. E. Loewe and Co. The title of the pamphlet is "Million Against One—A Conspiracy to Crush the 'Open Shop'", and it is, further, announced as being "Published by the American Anti-Boycott Association in the cause of Individual Liberty." Second edition, 1904.

[47] Convention Bulletin, February, 1907.

[48] Op. cit., p. 240.

[49] Liechti, p. 21; see also Schwittau, p. 246.

and extraordinarily effective weapon.[50] It is, nevertheless, seldom used by the German labor organizations.

The same is true in England; the boycotts that are there imposed, however, resemble closely the American boycotts. The printers, for example, publish from time to time a "black list" or "closed list" bearing the names of firms hostile to the union.[51] Other boycotts bear a close analogy to the American boycotts on materials. Thus Geldart cites a case of a dispute of a union with a master butcher in Belfast; the union here "induced other butchers who were in the habit of taking meat from him to cease to do so by threatening to call out unionists who were working for them."[52] Few accounts exist of boycotts in other countries, but it is likely that they are used, although their extent cannot be estimated. Liechti describes a boycott in Switzerland following a strike of the cigar makers, who in articles in the labor papers requested working men not to smoke the products of the unfair firm.[53] There was reported also in 1912 an interesting instance in Italy of the imposition of a boycott on materials. The local labor union of an Italian town imposed a boycott upon the owner of the marble quarry, whose workmen had gone on a strike. As soon as the boycott notice was published the quarry was unable to get sand necessary for cutting marble because the workmen in a neighboring town, from which the sand was usually shipped, refused to load sand destined for the boycotted quarry.[54]

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[50] Schwittau, p. 246.
[51] Ibid., p. 248.
[52] "Report of the Royal Commission on Trades Disputes," in Economic Journal, vol. xvi, p. 199.
[53] Op. cit., p. 30.
[54] Giornale degli Economisti e Rivista di Statistica, November-December, 1912, p. 520.

CHAPTER III

The Boycott on Materials

In a suggestive section in his book on the Principles and Methods of Industrial Peace,[1] Professor Pigou gives as one of the two factors in industrial disputes the "demarcation of function" between the employer and the unions. By this he means that industrial disputes arise when labor unions attempt to interfere with the management of industrial establishments. He further discusses under the demarcation of function those disputes which arise when "the sources from which an employer draws his material or the destination of his finished product" are brought by the union into question. It is with a description of the attempts of the American trade unions to dictate to employers the choice of the sources and destinations of materials that a discussion of the boycott on materials deals.

The salient characteristic of the boycott on materials is its appeal to organized labor. Its essence is organized disapproval of certain implements and materials with which men work. For various reasons, contingent upon the extent and character of organization and dependent upon the characteristics of industry, large numbers of workmen massed into compact bodies for the purpose of self-protection have found it necessary from time to time to exercise, among others, one of their most important functions—the deliberate examination and selection of the things upon which they labor, a selection which carries with it the patent necessity of rejecting products which have been manufactured under conditions objectionable to organized labor and whose continued manufacture is interpreted by such labor as constituting a menace to its welfare. Just as work-

[1] p. 38.

men take umbrage at unsanitary shops and threaten strike when they are told to work beside a non-union fellow-laborer, so they, with less vehemence, perhaps, announce their opposition to unfair raw materials. Choice of fellow-workman, choice of working conditions, choice of implements and materials, constitute a series whose elements differ markedly in degree, but not perceptibly in kind. The motives which actuate a man to choose carefully sanitary workshops and desirable associates are not difficult to discern; his reasons, however, for discriminating against tools and goods, manufactured in many cases in remote districts, are not so clear and therefore require elucidation.

Two influences can explain the origin of practically all boycotts imposed upon materials and exercised wholly by companies of organized workingmen. They are (1) the desire for work, and (2) sympathy for fellow-workmen. (1) By the desire for work is not meant the inarticulate strivings of unorganized individuals for employment, but that desire, which becomes potent through organization, to obtain work that is now in the hands of outsiders or to retain work upon which aggressive attacks and significant inroads are being made by intruders. More particularly this influence has manifested itself in three forms: (a) in the boycott upon prison-made goods, (b) in the boycott upon goods manufactured by new machinery, and (c) in the embargo upon foreign products.

(a) As early as 1830 the journeymen stone cutters of New York assembled to protest against the importation of cut stone from Sing Sing and other prisons on the grounds that "it is sent in large quantities to the New York Market and competes with the stone of free labor;" and they finally resolved "not to fit, alter, or do any work on any stone worked by convicts."[2] From 1830, then, and perhaps earlier if the records were extant, the pages of American labor journals contain frequent references to boycotts imposed upon the products of convict labor, always imposed

[2] New York Sentinel and Workingman's Advocate, July 3, 1830, p. 1.

with the express intention, of course, of wresting this work from convicts and placing it in the hands of organized free labor.[3]

(b) The invention of machinery and the consequent division between two classes of laborers of processes that had before its invention been under the control of one class give occasion for the second group of boycotts. The invention, for instance, of the planer, a machine for cutting soft stone, resulted in the loss by the stone cutters of the labor required for transforming the rough stone into a partially finished state, since this work could be more economically done by an unskilled laborer operating a machine. As a consequence, the Journeymen Stone Cutters' Association for many years bitterly fought the advance of machine-cut stone by requiring its members not to finish or set such stone.[4]

The experience of the stone-cutters has been repeated with slight variations in other trades. At their convention of 1901 the Plumbers, Gas Fitters and Steam Fitters discussed the encroachments of the factory workers upon the work of the plumbers, encroachments which were attributable to the increasing application of machinery to processes formerly the property of hand labor. In this trade it had become customary for manufacturers of plumbing supplies to furnish "fixtures complete in every detail," thus giving to factory hands the labor which had hitherto been performed by plumbers. To prevent the continuance of this practice, a resolution was presented to boycott, by refusing to install, fixtures that had been fully completed in the factories.[5] The carpenters' boycott on building trim, for which it is extremely difficult to assign a single cause, is ascribed by the editor of the International Wood Worker to the fear of the carpenters lest the mill workers gradually assume control of work that is now performed by carpenters. "The

[3] Constitution, Journeymen Stonecutters' Association, 1892, Art. xi.

[4] Stone Cutters' Journal, May, 1901, p. 13; August, 1901, p. 14.

[5] Plumbers, Gas and Steam Fitters' Journal, October, 1901, p. 52.

officers of the Carpenters affect to believe," he writes, "that if they can get control of all the factories, they could effectively prevent a great many innovations in factory practise that lessen the amount of work for the carpenter to execute on the buildings."[6] To obtain this control, therefore, the carpenters boycott the products of those mills which they are unable to unionize.

(c) The embargo on foreign goods is either a manifestation of that "spirit of local monopoly" against which, according to Sidney and Beatrice Webb, "trade unionism has had constantly to struggle,"[7] or constitutes a guarding of districts in which high wages prevail against the tendency of manufacturers to have parts or the whole of products manufactured in low-wage districts or localities. In the early history of the Stone Cutters' Union this policy of local discrimination ran rampant. The Buffalo local union in 1895 incorporated in its constitution a rule prohibiting the importation of cut stone to that city without regard to the wages or hours in the locality where the stone was partially worked.[8] In 1894, too, a public meeting was held in New York City for the purpose of discussing "local restriction upon the importation of foreign made building materials."[9]

Early in its history the local union of coopers in New York declared that union men in other localities who manufactured barrels for the New York market must demand for that work a price, freight included, that would make the price of their barrels equal to that of the New York product. This declaration of policy carried with it the implied threat that the members of the New York local union would refuse to trim barrels manufactured in those places where the rate of wages was appreciably below that of New

[6] The International Wood Worker, May, 1907, p. 6.
[7] Vol. i, p. 73.
[8] Stone Cutters' Journal, March, 1895, p. 3.
[9] The Carpenter, April, 1894, p. 3. The local union of carpenters of Butte, Montana, decided in 1896 that its members should not "handle building material manufactured outside the city, so long as members are idle who are competent to manufacture the material at home" (ibid., February, 1896, p. 11).

York.[10] A similar policy has been frequently employed by local unions of stone cutters. The New York local union reported in 1895 that it was "prepared to stop all cut stone from coming to that city that is being cut at less than New York wages."[11] In 1902 the Philadelphia branch of stone cutters boycotted stone from Hummelstown because it claimed that the members of the Hummelstown branch received a lower rate of wages than its members.[12]

Within the last decade or two, however, influences have been at work that have made unnecessary in some cases and impolitic in others the imposition of boycotts upon prison-made, machine-made, and foreign materials. The continued agitation for the abolition of convict labor on goods that enter into competition with free labor and the telling attacks upon the private contract system have already to some extent lessened the necessity for the boycott on prison products. The increased strength of trade unionism in the United States, resulting in the control of newly invented machines by the union, and the adoption of more liberal policies toward the introduction of machinery, not to speak of the futility of boycotting the products of machines that are economically cheaper than the methods they replace, have had their effect on the number of boycotts of the second class.[13] Finally, the rise in the power of the national union,[14] the substitution of district and national systems of wage agreements to replace the old local agreements,[15] and the fact that "just in proportion as Trade

[10] Coopers' Journal, September, 1871, p. 363.
[11] Stone Cutters' Journal, March, 1895, p. 14.
[12] Ibid., March, 1902, p. 7; see also ibid., January, 1906, p. 10.
[13] The Glass Bottle Blowers' Association has, for example, frequently agitated the use of a label on hand made bottles, thus indirectly boycotting the machine product. The recognition, however, of the futility of opposing such an efficient machine as the automatic glass bottle blowing machine has, among other reasons, prevented the adoption of a label.
[14] G. E. Barnett, "The Dominance of the National Union in American Labor Organization," in Quarterly Journal of Economics, vol. xxvii, p. 455.
[15] G. E. Barnett, "National and District Systems of Collective Bargaining in the United States," in Quarterly Journal of Economics, vol. xxvi, p. 425.

Unionism is strong and well established, we find the old customary favoritism of locality replaced by the impartial enforcement of uniform conditions upon all districts alike,"[16] all these tendencies have combined to make local monopoly and the boycott dependent upon it relics of the past.

(2) All boycotts cannot, however, be traced to these three sources. In fact, materials are often stigmatized as unfair not because union members see in their manufacture encroachments upon their own fields of labor, but because it has become a not infrequent practice for union members to refuse to work upon materials that have been manufactured by workingmen receiving low wages and working long hours in unsanitary shops. Because of sympathy aroused by a knowledge of the conditions under which such materials are produced, coupled with an appeal for aid by the aggrieved workmen, it frequently happens that the members of strong unions will reject materials to whose conditions of manufacture they could, so far as their own working conditions are concerned, afford to be totally indifferent. That these feelings of sympathy for fellow-workmen have in recent years become intensified is indicated by the gradual changes in the type of labor organization that obtains in the United States, considered with special reference to the tendencies of extensive organization and trade federation. As a result of these tendencies, industry is now more exposed to the imposition of the boycott on materials than it was either under the industrial form of labor organization as practised by the Knights of Labor or under the strictly trade organizations that dominated the American Federation of Labor in its early history. A more detailed discussion of this aspect of the problem will be given at the close of this chapter.

The classification of boycotts on materials to be employed here rests upon the conception of industry as being of a given complexity and composed of a number of strata, more

[16] Webb, vol. i, p. 79.

or less homogeneous. The character and number of these strata, depending as they do upon such general forces as the extent of the division of labor, means of integration or transportation facilities, and more generally upon the status of industrial technic, need not delay us long. It is only necessary to point out that these industrial layers present different degrees of organization. In the building trades, for example, it is the higher strata, composed of such trades as those of bricklayers, carpenters, plasterers, plumbers, and others, that are well organized; whereas the laborers in a lower stratum, such as the brickmakers and woodmill workers, are poorly organized. In the stove industry, on the other hand, the iron molders—lower-process workers—are well organized, but the stove mounters are not so well organized.[17] These factors, if they can be distinguished in individual instances of boycotts, should throw considerable light upon the causes operating to produce a boycott. There are accordingly four classes of boycotts that can be distinguished on the basis of this classification; the backward, forward, lateral,[18] and transportation boycotts.

(1) The backward boycott is defined as the refusal by men in the higher processes of manufacture, or in the higher strata of industry, to work on or with material which in the next lower process of manufacture, or in the next lower stratum of industry, is made by non-union workmen. Perhaps the best-known boycott of this group is that of the United Brotherhood of Carpenters and Joiners on building trim manufactured in non-union mills. The ultimate end of the boycott is the elimination of women and children from mill work[19]—particularly the dangerous work con-

[17] The concepts "lower and higher processes" may be made clearer to the reader if replaced by their equivalents, "earlier and later processes."

[18] D. H. Macgregor, Industrial Combination, p. 95. Macgregor uses the terms backward, forward, and lateral, to describe the three forms of integration employed by firms, "that have hitherto operated at one distinct stage of the whole process of supply," in "undertaking additional processes."

[19] The Machine Woodworker, August, 1892, p. 104.

nected with the care of machinery,—the regulation of the hours of labor, and the institution of an adequate minimum wage for mill workers. The motives of the carpenters' union for undertaking the organization of mill workers have been variously interpreted. The carpenters themselves, through their official spokesmen, justify the boycott on the ground of a broad humanitarianism,[20] as simply a result of their desire to alleviate the conditions of labor in the mills. Some, on the other hand, are inclined to hold the fear of competition by the mill workers as the controlling motive;[21] still others, believing with an officer of the union that "the carpenter of to-day may be the mill-worker of tomorrow,"[22] find in the boycott an evidence of wise foresight; whereas the skeptical see as the motive only a desire for expansion and increased membership and revenue. The real motive is in all probability a composite of the four.

The boycott began early in 1896 with a notice by the New York unions to builders, architects, and manufacturers of trim work "cautioning them not to award further contracts to outside firms as, unless proof is given that the trim has been constructed under strict union rules, they would at any time refuse to handle it."[23] The early agitation against unfair trim was directed principally against the mills of New York State and New York City. With the aid of the New York City Building Trades Council, which called sympathetic strikes whenever non-union carpenters were employed to install unfair trim, the boycott rapidly became effective.[24] Each successive organizer's report indicates the bringing into line of more mills that supplied the New York market. By 1908, twelve years after the inception of the boycott, 189 of the 230 woodworking mills in New York City had been organized, and in 1910 Vice-President Quinn reported the organization of 40

[20] Neal, p. 618.
[21] Proceedings, 1910, p. 86.
[22] Report of the President, in Proceedings, 1906, p. 58.
[23] The Carpenter, January, 1896, p. 4.
[24] Ibid., October, 1898, pp. 4, 14.

more.[25] An organizer operating in the East reported in 1909 that all mills furnishing trim and interior decorations for New York City, with the exception of 4, were working eight hours a day.[26] Of the 200,000 members of the United Brotherhood of Carpenters and Joiners, one fifth, or 40,000, were in 1912 millmen, whereas the remaining four fifths were outside carpenters;[27] and of the 3814 mills and shops that were in 1908 within the territorial jurisdiction of the Carpenters' Union, 982 employed exclusively members of the United Brotherhood.[28]

So effective has been the boycott in New York that "experienced builders of the Bronx, Manhattan, and Brooklyn have all testified that it is practically impossible to erect a building in any part of that territory except the outskirts of Brooklyn unless the builder employs union men exclusively on those buildings in the organized trades. If the builders endeavor to escape the restrictions upon the use of non-union material by employing non-union carpenters to handle such material, they are confronted by a general strike of all trades employed on that building until such time as the non-union carpenters are discharged and the union carpenters, who refuse to handle the material, are restored. Such is the provision of the constitution of the Building Trades Council. This evidence is uncontradicted and shows that union carpenters not only refuse to handle the non-union material, but prevent the employment of carpenters who will be allowed to handle it."[29] These methods effectually eliminate non-union building trim from the New York market.

The same efforts have not been made to exclude unfair trim from other cities. Because New York represents the

[25] Brief on Motion for Preliminary Injunction, Paine Lumber Co., etc., v. United Brotherhood of Carpenters and Joiners, et als., p. 7.
[26] The Carpenter, November, 1909, p. 14.
[27] Neal, p. 622.
[28] Proceedings, 1908, p. 25.
[29] Plaintiff's Brief for Permanent Injunction, Louis Bossert & Son v. Frederick Dhuy, etc., et als., p. 21.

stronghold of the carpenters' union, and because the Building Trades Council has there exhibited an activity in aiding the carpenters that it probably would not exhibit in a city like Baltimore, for example, and finally because expensive legal complications have attended the prosecution of the boycott in New York, no systematic attack on unfair trim has been made outside of that city. Sporadic instances of such boycotts, however, occur from time to time throughout the country.[30]

From an examination of the carpenters' boycott it might be inferred that the stronger of any two trades placed in a juxtaposition similar to that of the carpenters and the mill workers would invariably aid the weaker by refusing to use materials manufactured under non-union conditions. But this is not always the case. The Bricklayers and Masons' International Union, like the United Brotherhood of Carpenters and Joiners, is composed of skilled laborers, and its members are perhaps even more strongly organized than are the carpenters; the brick, tile and terra cotta workers, like the mill workers, are unskilled laborers in a state of disorganization. The product of the brickmakers is the bricklayers' material. In short, the positions of bricklayer and brickmaker and of carpenter and trim worker are exactly analogous. Yet the reactions in the two cases are totally different. The carpenters boycott non-union trim, not at the request, but in the face of the sheer indifference of the mill workers;[31] the bricklayers, on the contrary, will continue to use brick regardless of its condition of manufacture and in spite of requests for boycotts by both the brickmakers and the American Federation of Labor.[32]

The explanation of this difference in attitude resolves itself into a question of union policy. The Bricklayers and Masons' International Union has in its relation with the American Federation of Labor and with many building trades councils exhibited an attitude of extreme reserve

[30] The Carpenter, September, 1895, p. 11.
[31] Ibid., March, 1910, p. 10.
[32] Annual Report of the President, December, 1911, p. 131.

and independence; the policy of the United Brotherhood of Carpenters and Joiners has been just the opposite. It is natural, therefore, that these two opposing points of views should reveal themselves in the action of the unions with respect to the materials upon which they work, although it must not be forgotten that the gap in technic is much greater between bricklaying and brickmaking than between carpentering on a building and in a mill. The policies of the Bricklayers and of the Carpenters represent, however, extremes between which there exists a gradation of policies.

Such backward boycotts as the Carpenters' boycott of trim or the boycott by the Stone Cutters and Granite Cutters of stone which is quarried by non-union quarry workers,[33] or which is cut in the rough, at the quarry towns, by non-union stone cutters and granite cutters,[34] are usually the result of voluntary action by the boycotting union, with the end in view of aiding the lower-process workers. Of the same character are the boycotts by the Brewery Workmen of unfair cooperage;[35] the boycotts by the Marble Workers of marble that has been polished by non-union marble polishers;[36] or even the boycotts by the Plumbers, Gas Fitters and Steam Fitters of the products of firms unfair to the Metal Polishers.[37] In all these cases the boycott is imposed with reasonable frequency; and there can be said to be such close connection between the trades that the power to boycott will usually be exercised by the higher-process workers whenever their neighbors find their organization threatened. With these unions, then, with the probable exception of the Plumbers and the Metal Polishers, the boycott on unfair materials constitutes a recognized method of organization that is often employed; by none,

[33] Monthly Circular of the Journeymen Stone Cutters' Association of North America, August, 1892, p. 4; Granite Cutters' Journal, December, 1901, p. 4.

[34] Granite Cutters' Journal, December, 1901, p. 10.

[35] Coopers' International Journal, March, 1903, p. 110.

[36] Proceedings, 1911. Reported in the Marble Worker, July, 1911, p. 171.

[37] Plumbers, Gas and Steam Fitters' Journal, August, 1900, p. 7.

however, on so extensive a scale as that employed by the Carpenters. It is necessary to note, furthermore, that in the unions comprising this group either the lower and higher process workers are members of affiliated trades that were generically identical, like the stone cutters working in large cities and those working in quarry towns, or these unions work in close contact with one another, like the Brewery Workmen and the Coopers.

On the other hand, unions that are not related either by identity in origin or by proximity in labor do not make such frequent and effective use of the backward boycott. Indeed, even when a request is made by the union that manufactures a product that an affiliated union should refuse to handle that product, the request is often disregarded. In 1911 the president of the Metal Polishers' Union said that the local unions "will have to take a stand against the employment of members of the American Federation of Musicians until such time as they decide to use instruments" bearing the label of the metal polishers. The inference is that they should boycott instruments handled by non-union metal polishers.[38] Of equal futility was the request made by the International Coopers' Union of the Painters and Decorators and of the Typographical Union that they should boycott respectively the varnish and linseed oil and the printers' ink that were carried in barrels manufactured by non-union coopers;[39] of the same character, too, and probably yielding the same results, was the appeal by the Textile Workers' Union of Danville, Virginia, that the garment workers in overall and shirt factories should observe the boycott upon "overall goods, cheviot and sheeting," the products of an unfair Southern cotton mill.[40] Even where the relations between two unions is so distant as that between the Musicians and the Printers there are evidences of sympathetic action, for in 1908 the Newark local union of

[38] The Journal [Metal Polishers, Buffers, Platers, Brass Molders, Brass and Silver Workers], November, 1911, p. 17.

[39] Proceedings of the Nineteenth Annual Convention of the American Federation of Labor, 1899, p. 99.

[40] The Garment Worker, August, 1901, p. 17.

the American Federation of Musicians adopted a resolution binding its members to the purchase of only such sheet music as bears the label of the Allied Printing Trades Council, thus indirectly boycotting music that does not bear such a label.[41] In general, however, the backward boycott flourishes only between unions whose work is more or less intimately associated, and as this association becomes closer the boycott becomes merged into forms of the closed shop.[42]

Whenever the backward boycott is employed, it is used as a weapon by a stronger union to protect or to strengthen a weaker. But it must be noted that stronger and weaker are relative terms, and that frequently unions that are themselves the beneficiaries of the backward boycott do not hesitate to employ the same weapon in the organization of still weaker trades. The Coopers, for example, frequently invoke the aid of the Brewery Workmen by requesting them to boycott non-union cooperage; in 1909, however, the Coopers International Union notified the Machine Coopers Employers' Association that they would not be permitted to use staves made and bent by non-union labor in the woods.[43] The Brick, Tile and Terra Cotta Workers, although they themselves periodically endeavor to have the Bricklayers boycott the products of non-union brick-yards, have occasionally, in an effort to sustain the organization of brick-yard laborers, boycotted clay mined by non-union laborers.[44] Long drawn out strikes and lockouts also force unions that are otherwise strong to accept aid during the continuance of hostilities. The Iron Molders, for instance, who will refuse to handle cores made by non-union core-makers[45] and patterns made by non-union pattern makers,[46] were, when on strike, helped by the machinists, who refused to work on scab castings.[47]

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[41] The International Bookbinder, October, 1908, p. 344.
[42] Stockton, chapter v, also p. 92.
[43] Coopers' International Journal, January, 1909, p. 34.
[44] Brick, Tile and Terra Cotta Workers' Journal, September, 1907, p. 15.
[45] Labor Leader, Baltimore, July 6, 1912, p. 1.
[46] American Federationist, August, 1898, p. 123.
[47] Journal of the Knights of Labor, February 6, 1896, p. 2.

(2) The forward boycott is defined as the refusal by union laborers in the lower processes of manufacture to make material that will probably or certainly be used in the next higher process by non-unionists. This form of the boycott and the backward boycott are reciprocal. Usually a union which at one time imposes the backward boycott is at another time the beneficiary of the forward boycott. Thus the granite cutters, whose use of the backward boycott has already been described, were aided by lower process workers when in 1907 the granite cutters in the New England quarry towns of Barre, Quincy, and Westerly were requested to refuse to cut granite that was destined for unfair granite-cutting firms in the West.[48] When the Brewery Workmen are on a strike, the Coopers will at times refuse to work on cooperage that will be sent to the non-union breweries.[49] In 1901, in discussing the complaint of the Carpenters' Union that the wood workers can be of no assistance to them, the Wood Workers pointed out that when, in the erection of the Marshall Field Building in Chicago, a contractor had imported scabs to work on that building, "the wood-workers in the factory having the contract for the mill trim notified those in interest that if any mill trim was delivered to the building a strike would be called in the factory. The factory did attempt to deliver the material and the wood-workers struck."[50]

A union will at times deliberately organize laborers in a lower layer of industry in order to take advantage of the refusal of that union to work on material that is intended to supply unfair labor. The Marble Workers have been actuated by this motive almost to the exclusion of any other in their organization of the factory workers in the marble

[48] Granite Cutters' Journal, September, 1907, p. 5. In the same year a communication from Waco, Texas, discussing the means for unionizing several non-union granite-cutting firms at that place, states that "as long as they can get granite it will be hard to do anything with them, so it would be a good thing to put a stop to their getting granite, either finished or rough stock" (ibid., June, 1907, p. 10).

[49] Coopers' International Journal, August, 1912, p. 455.

[50] The International Wood Worker, June, 1901, p. 69.

industry. Frequent references are found throughout the journals of the International Association of Marble Workers in which the officers encourage the organization of the shopmen on the ground that "the shopmen can help the setter, by refusing to supply the finished material to employers who employ others than members of the International Association of Marble Workers."[51] This fact was again emphasized in the annual report of the secretary, who states that because the masons are setting marble it is necessary for the International Association of Marble Workers to control the shop work, in which case the shop workers would refuse to cut stone to be set by masons. "Control the trade from the mill to the building and no firm will attempt to put others than our members at work in the building."[52] It would not be surprising if the carpenters, in their efforts to organize the mills of the country, had in view the creation in the unionized mills of a reserve force that could in the remote future be employed as the marble setters employ their organized factory workers.[53]

Where, on the other hand, two groups of workers are members of trades not closely allied, it sometimes follows as a necessary consequence of the selfish influences underlying the motives of individuals that one group will not impose either of the two forms of boycott unless there is an immediate or future prospect that the union which it now aids will later be in a position to extend it similar aid. This fact is well illustrated in the dispute in 1903 between the Retail Clerks' International Protective Association and the Boot and Shoe Workers' Union. A retail shoe dealer in Haverhill, Massachusetts, was the sole agent in that town

[51] The Marble Worker, January, 1908, p. 4.

[52] Ibid., August, 1910, p. 193.

[53] A forward boycott imposed by the mill-workers could not be effective unless practically all mills in the United States were organized. If, in their present state of organization, the mill-workers refused to manufacture trim that was destined for an unfair building contractor, the boycott would be ineffective because of the contractor's ability to buy from any one of the numerous non-union mills that have so far defied the attempts of the carpenters' union to organize them.

for the union label "Walk-Over" shoe; because of his refusal to employ union clerks, he was declared unfair by the retail clerks' organization, which began its campaign against him by requesting the manufacturer of Walk-Over shoes to remove his local agency from this unfair dealer. Failing in this, the Clerks turned to the Boot and Shoe Workers, and requested them to refuse to help the manufacture of shoes that would be sold to the Massachusetts local agent. In the subsequent correspondence between the officers of the Retail Clerks' International Protective Association and President Tobin of the Boot and Shoe Workers' Union, the latter, while admitting the justice of the request that the Boot and Shoe Workers should use their influence with manufacturers in having them sell their products to fair dealers, took the stand that his union could not oblige the manufacturer to remove his product from a certain store. Moreover, he raised the point, which is of immediate concern here, that unless the clerks took the position that none of their members should sell anything but union shoes, they were not justified in demanding that the Boot and Shoe Workers should work only on shoes destined for dealers fair to the clerks.[54] This argument, which is so clearly stated by President Tobin, is probably that which, consciously or unconsciously, many union officials entertain before imposing either a forward or a backward boycott. The question is not only whom will the union benefit by this boycott, but what future advantages will come to the union itself.

(3) The lateral boycott is a boycott on materials, not for the purpose of organizing the workers in the lower or higher processes of manufacture, but to force the employment of members of the same union or of coordinate unions, that is, of workers in the same stratum of industry. The bricklayers boycott brick, not because it is made by unor-

[54] Proceedings of the Eleventh Convention of the Retail Clerks' International Protective Association in Retail Clerks' International Advocate, July, 1903, p. 64.

ganized brickmakers, but in order to force the organization of the bricklayers employed at the brick-yards in building kilns.[55] This form of boycott occurs generally as the sympathetic strike. Where, for example, manufacturers operating in one territorial division of an industry have trouble with their employees and attempt to have the same work done elsewhere by union labor, the workmen in the places to which the materials have been removed, in sympathy with the strikers, refuse to handle the material.[56] Under this head can be placed the early strike of the New York Cordwainers in which "the proprietor originally involved transferred his work to other shops thus precipitating a strike against all proprietors." Similarly, "the caulkers of Boston in 1866 refused to do certain work for their employers on the ground that it was intended to help certain other employers in New York whose men were on a strike and were discharged."[57]

The lateral boycott first became a frequent and an effective weapon under the Knights of Labor. In disputes with railroads the lateral boycott appeared as a refusal by the railroad laborers on a fair or union road to handle the rolling-stock of railroads that were unfair to their employees. For example, the persistent opposition of the Wabash Railroad Company to the Knights of Labor caused the general executive board of the Knights to issue in 1885 an order to all members "employed on the Union Pacific and its branches and on Gould's Southwestern system that they must refuse to handle or repair Wabash rolling stock."[58] This is a typical instance. In 1893 the Brotherhood of Locomotive Engineers and the Firemen's Brotherhood ordered employees on other roads to boycott the freight and the cars of the Toledo, Ann Arbor, and North Michigan Railroad, on

[55] The Bricklayer and Mason, April, 1909, p. 88.

[56] "The usual British strike boycott aims at preventing the employer . . . from getting his work done at other places" (Burnett, p. 172).

[57] Hall, p. 35.

[58] Proceedings, 1885, p. 90.

which a strike was then in progress.[59] These boycotts obviously do not arise from a deliberate transfer of goods from a territory in which there is a strike to one in which peace reigns. But the presence in a certain region of property which belongs to foreign owners and which must be handled by men employed by others than the proprietors presents a condition that is as favorable to the imposition of the lateral boycott as does the direct transfer of goods. Because, however, of the conservatism and strength of the railway unions, and because the vast public loss incurred through strikes on railroads would most likely bring legal interference with such sympathetic strikes, this form of boycott no longer flourishes.

An interesting variation of it is found in the sympathetic strike as practised by the United Mine Workers. Here, too, as above, the sympathetic strike does not consist in refusing to work upon goods that have been sent from other districts; the entry, however, upon a sympathetic strike has the effect of forcing back into employment members of the same union. "Because the capacity of the coal mines is so much greater than the possible consumption of coal, it happens that when one district is compelled to strike . . . the markets can be supplied by mines in other districts and this has often been done without loss or profit to the employers that engage in the contest. The operators in the districts where work has not been suspended would enter into combination with those in the striking district by which they would supply the trade and contracts of the operators on strike, giving them a share of the profits which accrued to those supplying the trade."[60] Obviously, a refusal by the miners who are to mine this surplus coal to perform their duties is as effective a means of forcing the striking miners back into employment as is the boycott by the Knights of

[59] L. B. Boudin, "Der Kampf der Arbeiterklasse gegen die richterliche Gewalt," in Archiv f. d. Geschichte des Sozialismus u. d. Arbeiterbewegung, 1. Heft, 1913, p. 50. See also Journal of the Knights of Labor, March 30, 1893, p. 1.

[60] Testimony of John Mitchell in Report of U. S. Industrial Commission, vol. xii, p. 37.

Labor on unfair rolling-stock in obtaining concessions for striking railroad employees.

In industries in which it is comparatively easy to ship the parts of goods or unfinished products from place to place, or from factory to factory, the lateral boycott or sympathetic strike occurs with more frequency. It is thus often employed by such unions as the Hatters and the Garment Workers. In the strike of the Ladies' Shirtwaist Workers in New York in 1910 many sympathetic strikes were called to prevent the unfinished goods from being sent to be finished in other establishments or in other cities.[61] The clothing strike in Baltimore in 1913 was ostensibly entered into by the Garment Workers to prevent the manufacture by a local establishment of goods that could not, because of the strike in that city, be manufactured in New York. On the same theory, the Granite Cutters' Union has in its national constitution a section devoted to "work sent elsewhere during a strike," which states that "when the members of a branch are on a strike or are locked-out, and where the employers send their work to another locality to be cut, no other branch should allow its members to cut such work for any employer to help out the employer where the strike or lockout is going on."[62]

These forms of boycott, which have been considered in the foregoing discussion from the standpoint of their effect on the laborer, can now be briefly regarded from the standpoint of their effect on the employer. The backward boycott affects one group of employers by preventing them from buying certain materials that are distasteful to the union, and it affects another group of employers by decreasing the number of their customers. The forward boycott forces a manufacturer to restrict his sales by rendering it impossible for him to sell to manufacturers who have incurred the hostility of his laboring force, and it affects the latter by restricting their buying market. The lateral

[61] Bulletin, New York Department of Labor, no. 45, September, 1910, p. 371.
[62] Constitution, 1905, sec. 112, p. 39.

boycott is designed to prevent a manufacturer from filling his orders by intimidating those manufacturers who seek to help him in the production of his goods. Finally, there is the fourth form of the boycott by which employers may become completely cut off from one another and from industry in general. When this boycott is in force, they sometimes cannot have brought to them the materials they buy and at other times cannot have carried from them the products they sell. This state of affairs arises when manufacturers are boycotted as to transportation facilities.

This boycott has been applied almost exclusively by the local unions of the International Brotherhood of Teamsters. In the period between 1900 and 1907 it can be said that there was hardly an industrial dispute of any importance in places where the teamsters were at all organized with which they did not have some connection. Their part in the dispute consisted in refusing to haul goods, either because the goods themselves were unfair or because the points of origin or of destination of the goods were under the union ban. At one time or another the teamsters have extended their support to the Bakers,[63] the Freight Handlers,[64] the Brickmakers,[65] the Longshoremen,[66] the Miners,[67] the Laundry Workers,[68] the Meat Cutters and Butchers,[69] the Wood Workers,[70] the Coopers,[71] the Garment Workers, and many other trades. Now they will refuse to haul goods that are handled by non-union freight-handlers and to haul freight to and from the piers of the New York, New Haven and Hartford Railroad because the longshoremen

[63] Team Drivers' Journal, April, 1901, p. 10.
[64] Ibid., May, 1903, p. 6.
[65] Brick, Tile and Terra Cotta Workers' Journal, October, 1906, p. 12.
[66] Magazine of International Brotherhood of Teamsters, September, 1904, p. 13.
[67] Proceedings of the Third Annual Convention of the International Brotherhood of Teamsters, 1905, p. 98.
[68] The Teamsters, November, 1905, p. 24.
[69] Magazine of the International Brotherhood of Teamsters, August, 1904, p. 6.
[70] Team Drivers' Journal, June, 1902, p. 13.
[71] Coopers' International Journal, June, 1903, p. 260.

there are on a strike; and again they will not carry bread baked by other than union bakers, or will refuse to haul unlaundered collars from the Chicago factory of the Cluett-Peabody Company, where the collar starchers are in a state of lockout. In the great lockout of the Garment Workers in Chicago in 1905 the teamsters, by first refusing to haul for non-union clothing firms, soon entered into a struggle that eventually involved their whole organization; indeed, so great was their activity that it was difficult to determine after some time had elapsed whether the trouble had originated with the Garment Workers or with the Teamsters.[72] Toward the Chicago packing house employees, in their frequent strikes, the teamsters have exhibited the same sympathy by refusing to haul to or from the stock-yards.

This facility in becoming involved in foreign disputes, which inheres in the transportation industry, has not escaped the critical comment of the officers of the teamsters' union. In an editorial in the journal of the union in 1903 the writer asserts that "the strongest argument some unions use nowadays to convince themselves that they ought to go out on a strike is that they will have the support of the Teamsters' Union."[73] In his report in 1905 the third vice-president of the Teamsters' Union makes the following philosophic comment upon the tendency of the Teamsters to be drawn into every sort of industrial dispute: "The Brotherhood of Teamsters is peculiarly situated. We are like the keystone of the arch. Not only do other unions lean on us, but employers also. We are 'go-betweens' in almost every branch of industry; and on that account, whenever industrial troubles arise, we are pulled and hauled on every side. It is 'teamsters, come here' and 'teamsters, go there.' A great deal depends upon our action in industrial troubles."[74]

[72] Proceedings of the Third Annual Convention of the International Brotherhood of Teamsters, 1905, p. 18. See also Weekly Bulletin [Garment Workers], January 6, 1905, p. 1.
[73] Teamsters' National Journal, March, 1903, p. 9.
[74] Proceedings, 1905, p. 43.

In a system of industry in which union methods of pressure were not interfered with by the courts and where the technic of industry and the strength of the labor organizations remained comparatively unchanged, it is conceivable that each of these four forms of boycott, once established and tried, would be indiscriminately applied to industrial disputes. The courts interfere, however; organization changes, becoming stronger here and weaker there; and the policies of labor leaders undergo complete transformation. It happens, therefore, that a popular form of pressure in one period of industry becomes obsolete in the succeeding period. Thus the frequent declaration by the courts of the illegality of the sympathetic strike and the supposed popular prejudice against that form of strike have interfered with its application.[75] The use of the transportation boycott has been influenced not so much by legal obstacles and popular opposition as by a change in union policy.

Aroused by the trouble and expense in which they became involved through their sympathetic participation in the affairs of other unions, the International Brotherhood of Teamsters declared in 1906 against such action, and inserted in the constitution a section forbidding a strike "in sympathy with any organization not affiliated with the Brother-

[75] Thus, Adams and Summer contend that the sympathetic strike is one of the "three species of strikes upon which the public seems to have set the seal of its disapprobation" (p. 185). In spite of its unpopularity, however, Dr. Ira Cross, after an examination of the report of the Bureau of Labor on strike statistics, noticed "a slow but steady growth in the number of sympathetic strikes from 1896 to 1905," a growth which he attributed to the "increasing number of strikes against performing work for other establishments in which a strike or lockout was pending or against furnishing material to such establishments" ("Strike Statistics," in Publications of the American Statistical Association, vol. xi, p. 175). Huebner, too, while he finds the strike against the use of non-union material one of growing importance, believes the sympathetic strike to be falling in importance (p. 114). He, however, overlooks the gradual rise in his curve beginning with 1896. This increase, in the face of legal obstacles, is probably due to changes in organization in American trade unions. It is, however, too small as yet to be of any great significance. The inclusion, too, in a study of the statistics of sympathetic strikes of all forms of such strikes makes the conclusions of little value for our purposes here.

hood."[76] It is doubtful, however, whether the adoption of such a policy means the cessation of the transportation boycott. Legislative action by voluntary associations forbidding practices that are advantageous to large numbers is rarely so effective as is the interference of the legal machinery of a state. And, as it happens, in this particular case certain changes in organization are being experienced that may nullify the effect of the Teamsters' constitutional provision. For "in many cases the teamsters are engaged exclusively in handling the material used by a certain industry, or the finished product of that industry, as the bakery wagon drivers, the laundry wagon drivers, the beer wagon drivers; the close connection existing between these men and the other workmen with whom they are associated has consequently led to the extensive practice of taking them into" their organization.[77] From which it follows that, even though the policy of the Teamsters' Brotherhood may give the transportation boycott a serious setback for a while, these tendencies of organization will nevertheless cause it to revive in the end under different auspices. In other words, the refusal to supply certain employers with transportation facilities instead of emanating, as at present, from the Teamsters' Union, would come from such organizations as the Bakery and Confectionery Workers or the Brewery Workmen, which include in their membership a large proportion of the teamsters employed in those industries.

The question now naturally arises whether the future of trade unionism in this country will be marked by a more general or a more restricted use of the various forms of boycotts on materials. To be sure, legal obstacles and the refusal of certain unions to became involved in the disputes of other labor organizations have the effect of seriously hindering any development in the boycott on materials. On

[76] Constitution, 1906, sec. 61.
[77] Report of President, in Proceedings, in Team Drivers' Journal, August, 1903, p. 30.

the other hand, two significant tendencies in the extension and in the federation or combination of existing trade unions should result in the employment of the boycott on materials on a scale more extensive than ever before in the history of American labor organizations.

The first tendency is embodied in the generally observed adoption by American trade unions of more inclusive methods of organization. Although a variety of causes may have contributed to this tendency, there is little doubt that the power given to the union over the movement of materials has been a cogent argument in favor of its prosecution. Earlier in this chapter, in a somewhat different connection, there was described the deliberate inclusion in their union by the Marble Workers of the factory workers in the marble industry, an inclusion which was dictated by the desire to enlist the aid of the factory workers in directing the distribution of materials. Influenced by the same motive, the Brick, Tile and Terra Cotta Workers, in spite of the opposition of the United Mine Workers, maintained that clay miners were under the jurisdiction of their union. With the clay miners members of the brickmakers' union, its officers believed that the Brick, Tile and Terra Cotta Workers would have an "opportunity to organize those plants that had been fighting them for some time."[78] Dr. T. W. Glocker, arguing along the same lines, cites the jurisdictional dispute between the Retail Clerks' Protective Association and the Butchers' Union in which the latter union claimed jurisdiction over the meat cutters because "in case of a boycott against one of the packing houses, the meat-cutter can render a valuable service by refusing to cut the meat slaughtered by such a firm."[79]

One of the most frequent arguments advanced by the advocates of industrial unionism is that such a form of or-

[78] Brick, Tile and Terra Cotta Workers' Journal, December, 1905, p. 20.

[79] "The Unit of Government in the Meat Cutters' and Butchers' Union," in Johns Hopkins University Circular, new ser., 1905, no. 6, p. 23.

ganization forces the use of fair materials in all departments of an industry. A correspondent of the journal of the Stove Mounters' Union, many of whose members are staunch advocates of a modified form of industrial unionism, points out that when the Metal Polishers were on a strike that lasted for four months, the Stove Mounters continued to handle the material of scab metal polishers, and that, if the Iron Molders were to strike, the mounters would mount plates made by non-union molders. If, however, the Iron Molders, the Metal Polishers, and the Stove Mounters were organized into a single union, they could eliminate the use of unfair material by "completely tying up a shop" when one union was in a difficulty.[80]

A somewhat different aspect of the question is presented when the American Federation of Labor is considered as the organizing agent. It has been the custom of the Federation to organize under its direct control local unions of laborers, usually unskilled, who, either because they are too few in number or because there is no obvious relation between their trades, have not been organized by the existing national unions.[81] The creation of each new union of this kind, bringing within the pale of organized labor those who have long worked outside of its protection, exposes industry to attack, or at least to the possibility of attack, from many new sources. For example, the members of a local union affiliated with the American Federation of Labor who worked for the Carborundum Company, manufacturers of a substitute for emery, were discharged by that company as a penalty for organizing into a labor union. The request was then made by these laborers that the Metal Polishers

[80] Stove Mounters' Journal, April, 1904, p. 119; April, 1902, p. 437.

[81] "Moreover, the number of national associations is being constantly swelled through the efforts of paid agents maintained by the American Federation of Labor. These agents are continually organizing local unions among the non-union workers in various industries and welding them together into international trade unions" (T. W. Glocker, "The Government of American Trade Unions," in Johns Hopkins University Studies, ser. xxxi, no. 2, p. 55.)

should boycott the product of the firm, a mineral used in polishing metals.[82] Before the advent of this union, the metal polishers could use emery and carborundum polishers regardless of the condition of their manufacture; once these laborers were organized, however, the metal polishers were requested to begin to discriminate in the choice of their implements of labor. Likewise, the organization of such workers as the Gold Beaters presents to the Bookbinders, large consumers of gold-leaf, the necessity of inquiring into the source of materials upon whose conditions of manufacture they had hitherto looked with indifference.[83] Furthermore, even though these boycotts are not imposed as soon as requested, yet the presence in any industry of an organized body of workmen with insistent demands cannot fail to have its effect. And the effect is invariably a closer scrutiny by unions of the character of materials, culminating in boycotts upon those materials found to be unfair.

The second influence that contributes to foster the growth of the boycott on materials is the notable tendency, developed within the last decade or two, toward the formation of trade federations. Trade federations first influence the growth of the boycott by strengthening their constituent unions and by substituting concerted for individual action. This factor accounts for the predominance of the backward boycott in the building industry. If the brickmakers wish to boycott builders by refusing to help in the manufacture of their materials, they must stand alone, and they are not aided by any of the other trades concerned in the production of building materials. The existence of a building trades council, on the other hand, makes a boycott by any one building-trade union an extremely effective weapon. Whenever a carpenter boycotts unfair trim, he issues his manifesto blithely, for he knows that he has behind him the

[82] The Journal [Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers], December, 1901, p. 9.

[83] Proceedings of the Twenty-fourth Annual Convention of the American Federation of Labor, 1904, p. 109.

concerted support of twenty or more building-trades unions.[84]

The great advantage of such a confederation of trades has been frequently noted by the unions concerned in the manufacture of building materials. Indeed, a number of such organizations have been launched. In 1897 there was organized in Chicago a federation composed of the sash and door makers, terra cotta workers, brick-makers and others, to be known as the Building Material Trades Council. This organization was sponsored by the Chicago Building Trades Council; and it was the intention at the time that the two organizations should work in harmony, "the material men refusing to work on material for a building upon which non-union men were engaged in constructing and the building trades refusing to handle material made in non-union establishments."[85] In 1899 the Chicago local union of the Metal Polishers' Union reported that it had become affiliated with the Building Material Trades Council of that city; and stated further that the affiliation was advantageous because the Building Trades Council kept posted on all brass work that was used in the construction of buildings.[86] Similar sentiments of approval from the Chandelier Workers of that city attested the power of the federation by calling attention to the fact that "non-union made chandeliers would find a poor market in that section of the country."[87] The organization was, however, an ephemeral one, and at the present time there does not exist in the United States a single building material trades' council.

A federation of trades, which is almost an exact counterpart of the Building Material Trades Council in purpose and constitution, is represented by the Metal Trades De-

[84] The Carpenter, June, 1910, pp. 2, 14. An estimate of Irving and Casson, a large non-union trim manufacturing firm, was rejected by a New York building contractor because he was "unwilling to take the risk of trouble arising" on a building where members of the Building Trades' Council were at work.

[85] The International Wood Worker, April, 1897, p. 263.

[86] The Journal [Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers], November, 1899, p. 355.

[87] Ibid., p. 327.

partment of the American Federation of Labor, organized in 1908, with branches in about fifty important cities.[88] Although some of the members of this federation are employed in the manufacture of building materials, as its name indicates it is restricted to unions in the metal trades, and therefore excludes a union like the Brick, Tile and Terra Cotta Workers' Alliance. It is, nevertheless, the purpose of the officers of the Metal Trades Department to work in close cooperation with the Building Trades Department, with the end in view of having both departments render such service to each other as would contribute to strengthening their constituent unions.[89] This organization has not been in operation long enough to justify an estimate of its effectiveness, but there can be little doubt that its continued existence means greater restrictions upon the use of materials.

Trade federations exert another great influence by assembling into common council the unions of allied industries. Here unions which formerly existed independently of one another have a forum for discussion, and are enabled to obtain a knowledge and an appreciation of their neighbors' grievances that they could not obtain to such advantage under any other conditions. An interesting illustration of this aspect of the influence of a trade federation is furnished by the experiences of the Allied Printing Trades Council with other unions. The Allied Printing Trades Council is composed of the Typographical Union, the Printing Pressmen, the Stereotypers and Electrotypers, the Bookbinders, and the Photo-Engravers. At a conference in 1908 the effect of the council could be seen by the adoption of a resolution which recommended "whenever practicable" the refusal by the constituent unions to use "photo-engraved plates unless such plates were stamped with the union label

[88] For a more detailed description of the Metal Trades Department see Stockton, p. 109.

[89] Proceedings of the Fourth Annual Convention of the Metal Trades Department of the American Federation of Labor, 1912, pp. 8, 11.

of the International Photo-Engravers' Union."[90] In the same year the influence of the council was extended even further when the International Brotherhood of Papermakers was permitted to send a representative to the meetings of the joint conference board of the council; this representative, although he had a voice in matters affecting his union, had no vote. This conference, however, adopted a tentative agreement with the Papermakers' Union which provided that the members of the Allied Printing Trades Council would use their good offices in encouraging the use of union-made paper if the Papermakers would make no demands that would involve them in contests with employers because of the use of non-union paper.[91] Thus the contact afforded by the membership in a federation has brought about in a short while a moderate degree of discrimination in the choice of material. After three years, furthermore, the representative of the Papermakers' Union requested full membership in the council because the union "desired to become more closely affiliated with the printing trades."[92] Although this request was not granted, it is reasonable to believe that in the course of time the council may adopt resolutions in regard to the paper to be used by the printing trades similar in purport to that which was adopted in 1908 to regulate the use of photo-engraved plates.

Disregarding for the time being the effect of judicial decisions (and they are of great significance) and the influence exerted upon the operation of the transportation boycott by the policy of the Teamsters' Union, the conclusion is that there is a marked increasing tendency for trade unionists to question the source and destination of materials.[93] Al-

[90] The International Bookbinder, June, 1908, p. 216.
[91] Ibid.
[92] Ibid., March, 1911, p. 114.
[93] This tendency, of course, becomes the stronger the more intense is the desire of union members to eliminate the non-unionist from industry. It is accordingly stated that "for years the American Federation of Labor has been striving to bring about alliances among national unions. At present the Federation seems to have in view the formation of 'departments' in every group of allied

though the present conditions may not realize the ideal of the Industrial Worker of the World who believes that "when the Electrical Workers are on strike, Garment Workers should refuse to run machines driven by power furnished by scab electricians;"[94] or that of the socialist propagandist who states that, under an industrial system of organization, the crews of the trains that bore weapons to the "minions" of the coal-mine operators during the recent strikes in the West Virginia coal-mines would themselves have been called out on strike, the fact remains that a combination made up of strong trade unions capable of enforcing their demands and of trade federations inculcating in their members the desirability of sympathetic action presents a system perhaps better adapted to the rejection of materials than does industrial unionism.[95]

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trades affiliated with it. By doing this the machinery is provided for more vigorous and more extensive discrimination against the non-union man" (Stockton, p. 121).

[94] Weekly Bulletin [Garment Workers], March 30, 1906, p. 4.

[95] The possibilities of the boycott on materials have not been overlooked by the critics of trade unionism. Thus one writer states: "The consummation of such a scheme [the boycott of non-union trim] would compel the mines which produce, the smelters which refine, the foundry which molds, and the factory which assembles and polishes, to reject all non-union men before the finished product could be affixed as a lock or a knob to the door of one of our marvelous office buildings. The same would be true of the lumber from the forest, the stone from the quarries, the glass of the windows and the bricks of the walls. All merchandise would be proscribed which had been tainted by the touch of the persecuted non-union man" (Paine Lumber Co., et al., v. United Brotherhood of Carpenters and Joiners, Brief on Behalf of Complainants—Appellees, p. 38).

CHAPTER IV

The Boycott on Commodities

A close analogy exists in one respect between boycotts on materials and boycotts on commodities. The grievances, fancied or real, which cause the imposition of boycotts on goods that enter into daily consumption are the same as those which impel a union workman to reject unfair materials or tools. In 1896 the Knights of Labor imposed a boycott on machine-made shoes, because these shoes were said to be driving hand-made shoes from the market.[1] Even before this, as early as 1885, the Can Makers had begun their campaign against the sale of machine-made cans.[2] Similarly, the white broom makers in San Francisco, in order to meet the destructive competition of Chinese broom makers and of convicts, frequently imposed boycotts upon brooms manufactured by Chinese or by convicts,[3] and in such unions as the Hatters and the Garment Workers the boycott and the label have been frequently invoked against the products of immigrant and prison labor.[4] The boycott on commodities, then, like the boycott on materials, constitutes a weapon designed originally as a "means of combating specific forms of competition to which particular organizations were exposed."

Here, however, the analogy ends. The boycott on materials can be effectively carried out only by homogeneous groups of organized workmen, whereas that on commodities and persons is essentially an appeal to heterogeneous assemblies of consumers. The boycotting unit in the boy-

[1] Journal of the Knights of Labor, January 30, 1896, p. 1.
[2] Spedden, p. 18.
[3] The Broom Maker, December, 1901, p. 11; May, 1902, p. 84; July, 1902, p. 112.
[4] Spedden, p. 16.

cott on materials is a trade union or shop comprised of closely associated individuals or trades; in the boycott on commodities, on the other hand, the unit is the central labor union or the city federation, bodies composed of trades as unrelated as the building trades and the printing trades and of individuals as different in social status and in temperament as the hod carrier and the bookbinder. Moreover, the unit in the boycott on commodities is often so extended as to include consumers who are not even formally affiliated with the labor movement but whose support is obtained by appeals to their sentiments of sympathy or of justice.

Although there are no accurate statistical data from which to estimate the relative frequency of the boycotts on materials and on commodities, there is little doubt that the boycotts on commodities and persons are by far the more numerous. The unfair lists published in the American Federationist, which often contained more than one hundred names, were devoted almost exclusively to notices of boycotts on cigars, shoes, beer, and many similar articles of consumption. The same is true of the lists published in other labor journals. Nor is this surprising. Indeed, there obtain certain considerations of expediency and necessity which account not only for the absolute frequency of the boycott on commodities, but also for its relatively greater frequency.

(1) When a member of a labor union enters upon the boycott of a bakery, for instance, he suffers as the result of his participation in the boycott the slight inconvenience that may attend the purchase of his bread in a bakery that is perhaps farther from his home than is the boycotted bakery. Indeed, in all such boycotts, wherever there is a suitable substitute for the boycotted commodity the participants rarely experience significant losses. Participation in a boycott on materials, however, demands a greater self-sacrifice. The bookbinder who boycotts unfair gold-leaf in sympathy with the Gold Beaters must be prepared to resign his position to the bookbinder who does not discriminate between

fair and unfair gold-leaf. The stone cutter who boycotts machine-cut stone has often yielded to the stone cutter who willingly works it. In fact, the mechanism of the boycott on materials is characterized by strikes, of longer or shorter duration depending on the strength of the union involved, during which attempts are made to replace the strikers who refuse to use unfair materials, by non-union workmen, who have no such scruples. It is natural, therefore, that the boycott on commodities, which involves little cost to its perpetrators, should be more popular and more generally employed than the boycott on materials, which is often marked by significant losses to those involved in its prosecution.

(2) Walter Gordon Merritt states in a recent article that the American Federation of Labor with its membership of 2,000,000 controls the purchasing power of 10,000,000 consumers.[5] Disregarding the fact that the American Federation of Labor cannot exercise such complete control either over the purchases of its 2,000,000 members or of their 8,000,000 relatives, friends, and sympathizers as Mr. Merritt intimates that it does, it is, nevertheless, true that the labor movement in America presents a vast purchasing power which has often responded to the influence of labor leaders. The existence of such a large number of consumers, directly affiliated with one another in a national organization of laborers, must have the effect of encouraging boycotts which will not be limited to single shops or trades, but which, overleaping trade boundaries, will enlist the support of all organized labor. Such boycotts are, of course, those which are imposed upon articles of general consumption and not those which affect the use of tools and raw materials.

(3) Finally, many situations arise where either the weakness or selfishness of groups of organized workers or the unorganized state of the laborers in the industry makes it impossible to employ the boycott on materials and necessitates the use of the boycott on commodities. A situation of

[5] "The Closed Shop," in North American Review, vol. cxc, p. 66.

this kind is well illustrated in the struggle of the International Wood Workers' Union with Atwood Brothers, manufacturers of racks and boxes. As a result of the refusal of this firm to recognize the woodworkers' union, a boycott was placed on its product. One of the largest customers of the firm was the Walter Baker Cocoa Company, which bought annually one third of the output of the firm. In this case it was not possible to obtain the support of the laborers in the cocoa factory in the form of a refusal to pack Atwood boxes. The Brockton Central Labor Union therefore initiated a boycott on the cocoa of the Walter Baker Company, with the intention of destroying the market of that firm. The accomplishment of this end meant at the same time the loss by the Atwood Company of its most valuable customer.[6]

The Coopers frequently pursue a similar mode of attack. When the Brewery Workmen refuse to boycott unfair cooperage, the Coopers will declare a boycott on the product of the brewery that buys unfair cooperage, and will in that manner, invoking the aid of the more sympathetic consumer, substitute for the boycott on materials the boycott on commodities. There are, of course, many instances in other unions of the declaration of boycotts on commodities in those cases where there are no organized workmen, or where the organized workmen are unwilling to do the boycotting in an early stage in the manufacture of the commodity. And these occurrences are made all the more likely because of the fact that practically every raw material emerges sooner or later in the form of a consumers' goods. The restricted sphere of labor organization and the conservatism of some unions, the consciousness in all unionists of the power that inheres in organized labor as a multitude of consumers, and finally the relatively low cost to the participant of the boycott on commodities are the three important factors that have contributed to the frequent employment of that form of boycott.

[6] A. Lord, An Illegal Boycott, p. 29; Stove Mounters' and Range Workers' Journal, September, 1905, p. 253.

It has been intimated that another important factor in the use of the boycott on commodities is the organization of retail clerks.[7] They, it is said, can strengthen the boycott "by giving prominence and recommendation" to fair articles or by expressly advising against the purchase of unfair articles. As early as 1894 the president of the Retail Clerks' Union of Chicago suggested that the best method of assuring the success of a boycott on consumers' goods was by organizing the clerks in retail stores, and thus enlisting their aid in preventing the purchase of boycotted commodities.[8] From time to time the clerks' union has taken action which was intended to further particular boycotts. In 1903, for example, in a resolution boycotting the National Biscuit Company, it was stated that "the local organization, particularly those of the grocery clerks, can be of service in this fight against one of the largest corporations in the country."[9] The boycott notice in the following year of the boycott by the United Garment Workers of the product of the Rochester Clothing Combine was accompanied by the admonition that every "retail clerk should remember his obligation 'to sell union-made' goods in preference to those non-union made."[10] A request, too, from the Iron Molders' Union of Leavenworth, Kansas, that the clerks should use their influence to sell only union-made stoves and should hinder the sale of stoves of an unfair firm was answered by the expressed hope of the International Union that the publication of the boycott notice would draw from the retail clerks the support that the Iron Molders desired.[11]

While it is no doubt true that strong organizations of retail sales agents would constitute formidable allies in prosecuting boycotts on commodities, in the United States such organizations have not attained great strength. The

[7] W. G. Merritt, The Neglected Side of Trade Unionism, The Boycott, p. 4.
[8] Journal of the Knights of Labor, June 14, 1894, p. 3.
[9] Proceedings of the Eleventh Convention, in The Retail Clerks' International Advocate, July, 1903, p. 43.
[10] Retail Clerks' International Advocate, July, 1904, p. 18.
[11] Ibid., April, 1904, p. 30.

Retail Clerks' International Protective Association has been for the greater part of its existence so concerned with protracting its own life and extending its own organization that it has been able to devote little time or energy to supporting the boycotts of associated organizations.[12] Only when a labor union has acquired considerable strength can it afford to become involved in disputes of no immediate concern to itself. Accordingly, we find that the majority even of those notices of boycotts that are published in the clerks' journal are couched in terms of mild recommendation rather than of forceful command, and they have consequently had little influence in securing the success of boycotts on commodities.

Boycotts on commodities are, in general, effective only when imposed upon such goods as are consumed in large quantities by the working classes. A boycott on a Chickering grand piano would obviously be ineffective because the purchasers of that instrument would not be, as a rule, members of the laboring or wage-earning class. We find, therefore, that the majority of the boycotts are imposed upon such articles of clothing, food, or furniture as are likely to form a part of a workingman's budget. The boycott has been employed frequently and effectively by the Garment Workers on the product of large clothing firms. When, in 1891, the garment workers were forced out of employment by the gigantic lockout inaugurated by twenty-one clothing firms of Rochester, the Knights of Labor initiated a country-wide boycott on the product of these firms. After a few weeks they reported that by their activity they had induced dealers throughout the country "to cancel over

[12] The constitutions of the Retail Clerks' International Protective Association contain no provisions that either require of or recommend to the members of the union their support in urging the sale of fair commodities or in preventing the purchase of the unfair. Spedden points out that local unions of the clerks in certain cities in Ohio, Pennsylvania, and Illinois, where the clerks are better organized, have adopted rules providing "that each union clerk shall be fined for selling certain kinds of goods not bearing the label" (p. 69). He agrees later, however, that the "clerks are in most cities very weak and could not enforce such rules."

$500,000 worth of orders."[13] In their struggles with the clothing manufacturers in Chicago in 1901 and 1905 the United Garment Workers again prosecuted vigorous boycotts. The strike of that union against Marx and Haas, of St. Louis, in 1910, was supplemented by a boycott in which the support of every available agency was enlisted in the effort to destroy the market of the firm. It was reported in the Journal that all the general organizers of the union were at work, and that special committees of the local unions were on the road and were "to remain in the field until the battle was won."[14]

That these boycotts had any chance of success was, of course, due to the willingness of organized labor and its supporters to discriminate in their purchases between fair and unfair goods. The Hatters' Union, which had in 1902 a membership of only six thousand, was able because of this ability to enlist the sympathy of laborers throughout the country, to wage successful boycotts against firms which supplied national markets. The boycott of the union against the Roelof Hat Company was claimed to have "injured the business of that company to the extent of $250,000."[15] And Mr. Loewe of D. E. Loewe and Company, testifying in what was destined later to develop into one of the most famous cases of its kind, stated that the sales of his business in 1902, one year before the imposition of the boycott, were $400,000. In the year of the boycott, however, sales were from $160,000 to $170,000 less.[16]

In the hands of the Brewery Workmen the boycott has been an indispensable weapon. Again and again in the history of the union it was able to cope with powerful employers' associations only through its ability to prevent the sale of the brewery products. From the boycott in Cin-

[13] Journal of the Knights of Labor, April 2, 1891, p. 1; April 30, 1891, p. 1.
[14] Weekly Bulletin [United Garment Workers], May 20, 1910, p. 3.
[15] Journal of the United Hatters, January, 1902, p. 7; May, 1902, pp. 20, 22.
[16] Ibid., November, 1903, p. 1.

cinnati in 1881[17] to the present day that club has been often used against large and wealthy firms. In the words of a historian of the Brewery Workmen's Union: "The boycott has played a most important part in the history of the brewery workers' movement in America, more important perhaps than in that of any other trade. The ten-year boycott against the New York 'Pool Beer,' which was decided chiefly by the attitude of the New England workingmen; the boycott against the St. Louis Beer, which ended favorably for the brewery workers on account of the strong support of the Knights of Labor in the South; in short, everyone of the greatest struggles of the brewery workers was decided by the boycott, which proved the strongest weapon in the hands of the workingmen in these conflicts."[18]

One of the most extensive and spectacular boycotts in recent years was that begun in 1906 and continued for several years thereafter against the Buck's Stove and Range Company. It was precipitated by the refusal of that company to continue the nine-hour working day of the metal polishers and by the violation of an alleged agreement between the company and the International Brotherhood of Foundry Employees.[19] At the 1906 convention of the American Federation of Labor application was made by the Metal Polishers' Union that the firm be placed on the unfair list of that organization. In accordance with the customary procedure, the matter was referred to the executive council of the Federation for adjustment. Vice-President Valentine was designated as the representative of the council for the purpose of conferring with the Buck's Stove and Range Company, and, if possible, of effecting an amicable settlement of the dispute. Although the endorsement of this boycott meant the infliction of great injury upon the union iron molders who were at that time employed by the Buck's Stove Company, Mr. Valentine, who was also

[17] Schlüter, p. 100.
[18] Ibid., p. 238.
[19] Report of President, in Proceedings of the Twenty-seventh Annual Convention of the American Federation of Labor, 1907, p. 35; American Federationist, September, 1910, p. 809.

president of the Iron Molders' International Union, reported that the attitude of the company precluded the possibility of a peaceful settlement, and therefore recommended that the boycott be endorsed.[20]

It is probable that, under normal conditions, the boycott on the product of the Buck's Stove and Range Company would have been neither more nor less effective than any of the other numerous boycotts the notices of which appeared monthly in the American Federationist; nor would there have been any occasion for the involved legal complications which later actually arose. There was present, however, a combination of circumstances that was directly responsible in shaping the future course of the boycott. Mr. J. W. Van Cleave, president of the Buck's Stove and Range Company, was at the same time president of the National Association of Manufacturers and vice-president of the Citizens' Alliance.[21] Both of these organizations had been notoriously antagonistic to organized labor. Even after the imposition of the boycott, Mr. Van Cleave, in both his official and private capacity, further emphasized his hostility to union labor by delivering many speeches against the system of organized labor and against its leaders. The report was spread, too, that the National Manufacturers' Association was raising a fund of $1,500,000 to be used under the direction of Van Cleave in an attempt to disrupt the labor organizations of the country.[22] The publication of these statements in the American Federationist and in other journals soon resulted, of course, in arousing among all trades unionists and their sympathizers feelings of the strongest resentment against Van Cleave and his company. The con-

[20] Report of President, in Proceedings of the Twenty-ninth Annual Convention of the American Federation of Labor, 1909, p. 17. The Buck's Stove and Range Company first appeared on the unfair list of the American Federation of Labor in the Federationist of May, 1907.

[21] Buck's Stove & Range Company vs. American Federation of Labor, et al., Pleadings, Preliminary Injunction Order, Opinion of Justice Gould, and Testimony on Hearing for Permanent Injunction in the Supreme Court of the District of Columbia, p. 360.

[22] Ibid., p. 368.

sequence was a vigorous general boycott in all those sections of the country where labor organization was strong. Soon the boycotted firm began to receive letters from its customers stating that unless the company could settle its dispute with organized labor they would be forced to have their orders filled by firms against whom union labor had no grievance.[23] The company, however, did not yield; instead, recourse was had to the courts, which issued injunctions restraining the American Federation of Labor and its affiliated bodies from further prosecuting the boycott. The case was appealed, and Gompers and two of his associates[24] were accused and convicted of having violated the injunction.[25]

In the midst of this litigation and turmoil, however, Van Cleave died,[26] and the Buck's Stove and Range Company was reorganized under auspices friendly to union labor. But so deep rooted had been the passions aroused by the struggle that several official statements by President Gompers notifying union members that the boycott had been raised and that the newly organized firm was deserving of their patronage had to be issued for publication throughout the country before the boycott of the products of the firm was brought to an actual close.

Although a surface analysis would seem to indicate that, in general, the boycott on commodities will be effective in all communities where there is a large number of organized laborers, yet the facts show that in order to act as an effec-

[23] Buck's Stove & Range Company vs. American Federation of Labor, et al., Pleadings, Preliminary Injunction Order, Opinion of Justice Gould, and Testimony on Hearing for Permanent Injunction in the Supreme Court of the District of Columbia, p. 34 ff.

[24] John Mitchell and Frank Morrison.

[25] Gompers was finally sentenced to imprisonment for thirty days and the other two were fined $500 each. These penalties were later lifted by the United States Supreme Court on the ground that the three year limit prescribed by the statute of limitations had expired when action was instituted against the defendants for contempt (233 U. S. 604).

[26] Van Cleave died May 15, 1910. See American Industries, August, 1910, p. 6.

tive boycotting agency, union labor must be not only numerous, but also highly localized. The presence in a city of many union members, scattered as individuals in different sections of the community and surrounded by people who have neither sympathy with nor understanding of labor's grievances, prevents that close personal contact and that easy exchange and discussion of information—not to speak of the impossibility under such conditions of scrutinizing the purchases of one's neighbor—which is essential to the success of a boycott. Where the laboring community is a closely knit, intimate assembly, the boycott is waged by collective efforts impelled by a collective conscience; where labor is scattered, the boycott is characterized by weak individual effort. In the first case the boycott is usually successful; in the second, its success is doubtful. Boycotts on commodities have, accordingly, been most effectively enforced in those places where the laboring population is in the majority and where, as for instance in mining communities, the members live in close contact with one another. Thus, Professor Barnett points out that "where the local labor federations are active and strong, as in the well organized mining and industrial towns of the middle west, the boycott is a more powerful weapon in the hands of the local typographical unions."[27] In 1900, too, the secretary of the Journeymen Bakers' and Confectioners' National Union remarked that in the mining districts there was a universal demand for the union label on cracker boxes and, therefore, a universal rejection of non-union products.[28] The Broom Makers, likewise, found that no "brooms could be sold in the mining towns of Illinois unless they bear the union label," and they further testified that the members of the United Mine Workers had exerted invaluable efforts in pushing the boycott on products unfair to the Broom Makers.[29]

[27] The Printers, p. 270.
[28] American Federationist, June, 1900, p. 172.
[29] Ibid., March, 1900, p. 70; The Broom Maker, February, 1902, p. 32.

The officers of American trade unions by no means ignore the futility of making an appeal to the general consumer in all cases of boycotts on commodities and permitting their activities to end there. On the contrary, they are fully alive to the fact that for many commodities there are special groups of consumers whose cooperation and active support are essential to the success of a boycott. It is not uncommon, therefore, to find that many unions, instead of waging a general boycott, attempt first to enlist the support of such groups of consumers. For example, in the boycott in 1895 against the Rand McNally Printing Company, the manufacturers of maps, school-books, and stationery, it was found that the heaviest purchasers of the products of the firm were "county boards, state officers and educational boards."[30] The result was that a general boycott, which would have been fruitless, was converted into a struggle in which political pressure and the concerted efforts of the unions were brought to bear upon public elective and appointive officials with a view of having them withdraw their valuable patronage from the unfair firm. Since then, this experience has been duplicated in many disputes of the International Brotherhood of Bookbinders with publishing companies.[31]

The frequent efforts of the labor movement to form an alliance with farmers' organizations is another aspect of the same situation. In addition to the substantial aid which such organizations can extend, which will be discussed later, they can be of great service in boycotts against firms, like the International Harvester Company, employing great armies of laborers, whose products find a market almost exclusively among farmers. For example, when a boycott was declared against the Studebaker Manufacturing Company, manufacturers of wagons, it was suggested that "the farmers' organizations could help by demanding fair wages in the making of farm wagons."[32]

[30] American Federationist, June, 1895, p. 64.
[31] See for example, the International Bookbinder, May, 1901, p. 8.
[32] American Federationist, June, 1895, p. 63.

At times this appeal to special groups of consumers takes the form of requests by the unions to organized bodies that they exercise the pressure of persuasion on the purchasers of certain products. When the Metal Polishers imposed a boycott on the National Cash Register Company, there was discussed the advisability of appealing in particular to the Retail Clerks' Association and to the International Bartenders' League in order to obtain their support in preventing the sale of the registers.[33] Similarly, in 1911, the international president of the same union reported that he had gone "from Cleveland to Boston to attend the Bartenders' and Waiters' convention for the purpose of calling their attention to the great assistance they could render us [the union] in the installation and use of bar supplies."[34] Appeals of an analogous character have also been made to "Retail Liquor Dealers' Associations" of various localities in the belief that their members would divert their patronage from unfair firms. An appeal to another special group of consumers is illustrated in the boycott against a bedstead company. A request was directed to the hotels that ordinarily purchased the product of this unfair company that they should withdraw their patronage.[35]

This discussion leads to the conclusion that, although "the boycott is a potent and effective weapon" when "the enemy is engaged in a business dependent for its success on the patronage and support of the consuming public," it

[33] The Journal [Metal Polishers, Brass Polishers, Brass Molders, and Brass Workers], February, 1902, p. 16.

[34] Ibid., June, 1911, p. 15.

[35] Ibid., June, 1900, p. 888. It may happen that a significant share of the business of an establishment can be ascribed to the custom of a single person whose earnings are in turn dependent on the support of a large number of consumers. In that case, when a boycott is placed upon a firm of this class, an effort is made by organized labor to effect the withdrawal of the individual's patronage. A case in point was the boycott on a bookbinding establishment which bound all of the books written by Ella Wheeler Wilcox. The local unions of the bookbinders were, therefore, notified to write to Mrs. Wilcox, who is notoriously friendly to labor, and to "request that she cease patronizing" the unfair firm (The International Bookbinder, November, 1901, p. 4).

exhibits its greatest effectiveness under two conditions: first, when a large proportion of the product of the firm is consumed by communities of laborers, and secondly, where there are special groups of consumers who feel that labor can in turn bring to bear upon them effective pressure of a political or economic nature. In both cases the result is obviously a substantial loss by the boycotted firm; and in the second case there is often the additional advantage that the cost of executing the boycott is much reduced, since the union avoids, at the outset at least, the necessity of advertising the boycotted goods among the great body of consumers.

A boycott on commodities falls primarily upon the products of firms with whom some section of organized labor has had difficulties. In this form the boycott is simple. It does not, however, long retain its original simplicity, but soon acquires extensive ramifications. Persons who were not even remotely connected with the dispute at its inception are dragged in and become themselves subject to boycott. This extension of a boycott upon an article of consumption usually emerges in the form of a boycott on the business that sells, among other things, the boycotted commodity. When a union, for example, boycotts hats, it does not content itself with refusing to buy of a haberdasher the commodity in question, but everything he sells becomes subject to boycott until he agrees to eliminate from his business the unfair product. In 1901 the Journeymen Bakers' and Confectioners' International Union, in accordance with this principle, imposed a general boycott upon all "stores, restaurants and hotels" that sold any of the products of the National Biscuit Company, which had itself been previously boycotted.[36] Where a retailer sells only one commodity or one principal commodity, the boycott on a business and the boycott on a commodity are, of course, equivalent. Where the commodity boycotted is a foodstuff

[36] Proceedings of the Twenty-first Annual Convention of the American Federation of Labor, 1901, p. 60.

or an article of clothing that is usually sold in conjunction with other articles, as is particularly the case with many commodities sold in the general merchandise stores of small towns, the boycott on a business is a far more effective weapon. In the first place, it is easier to teach the consumer to boycott a person than to boycott a commodity. In addition, it may play more serious havoc with his business than would a boycott on a single good. If the boycott is restricted to a commodity, a retail dealer, particularly when he has had long business dealings with the unfair firm, may often continue to keep the goods in stock on the theory that the trouble will soon blow over without his active participation. As soon, however, as the boycott is extended to his entire business, the probability of incurring substantial losses becomes so great as to force him at once to reject the unfair goods.

A boycott on a retail dealer who acts as a distributor of unfair goods is justified on the ground that his business is actually an agency of the boycotted firm and as such is automatically included in the original action. Often, however, the boycott is extended to cover persons and things that are not so obviously implicated in the original dispute. The stone cutters of Bedford, Indiana, for example, boycotted the hotel at which scab stone cutters stayed, and then threatened to boycott a theatrical performance because the actors boarded at the same hotel.[37] Similarly, in 1888, the Brotherhood of Locomotive Engineers boycotted the Democratic national ticket because the delegates to the national convention had ridden over the unfair Chicago, Burlington, and Quincy Railroad.[38] In their extension of boycotts to groups foreign to the original dispute, the theory of trade unions seems to be: first, that any one coming in contact in one capacity or another with a boycotted article countenances its sale and exposes himself to a boycott, and, secondly, that under conditions where the boycott cannot be effective upon

[37] Stone Cutters' Journal, April, 1906, p. 17.
[38] Journal of United Labor, June 30, 1888, p. 2653.

one object it is desirable to shift the ban to a closely or distantly related object.

Occasionally the members of firms whose products are not susceptible to the boycott are at the same time interested in other industries whose products are easily boycotted. In this event a boycott is imposed upon this new industry. In the early history of the American Federation of Labor a steel company of Pittsburgh refused to endorse the scale of the Amalgamated Association of Iron and Steel Workers. Inasmuch as the product of the company was such as not to enter into the budget of a laborer, it could not be effectively boycotted. A member of the firm of the steel company was, however, at the same time the joint owner of a large coffee plant. A boycott was therefore ordered on the product of this associated firm.[39] A slightly different situation was presented in the boycott against the Jamestown Street Railway Company of Jamestown, New York. Here there could be no effective boycott because no competitive route existed which passengers could use in preference to that which was to be boycotted. The owners of the street railway company happened, however, to be also the owners of an amusement park, from which patronage could be far more easily diverted than from a street railway line; the park was consequently promptly placed upon the unfair list.[40]

The extension of the boycott by labor unions does not stop at the products of allied industries, but frequently assumes a personal aspect. Such boycotts appear either as attempts to isolate or ostracize individuals who have exhibited evidences of their hostility to labor, or as attempts to impose political boycotts upon such persons. When the Garment Workers were involved in 1905 in their severe struggles with the employers' association of clothing manufacturers of Chicago, the attempt was made to boycott one of the employers who was active in the direction of the employers' association by withholding from the hotel where

[39] Proceedings of the Third Annual Convention of the American Federation of Labor, 1888, p. 26.

[40] Proceedings of the Twenty-first Annual Convention of the American Federation of Labor, 1901, p. 132.

he was a guest fuel and articles of food. Effective carrying out of the boycott was made possible through the support of coal-wagon drivers and teamsters in other industries.[41] This form of the boycott constituted practically a reversion to the type of boycott as practised against the Irish land agents. It had, however, a duration of only an hour in this case, and is, needless to say, not often employed. The political boycott, which is imposed upon candidates for public office who, in the conduct of their personal business, have been unfair to organized labor, is both more frequent and more effective. Thus, the owner of a bookbinding establishment in Baltimore had been for some time unfair to the local union of bookbinders, but the customers of the firm were such that it was impossible to wage a successful boycott on his establishment. When he became in 1913 the candidate for a municipal office, a vigorous political boycott was initiated against his candidacy; his defeat was later attributed by many to the opposition of organized labor to his candidacy.

The boycotts on newspapers afford the best illustration of the automatic and effective character of extensions of the boycott to others than those originally involved. Obviously a newspaper can be attacked in two ways. In the first place, its circulation can be reduced by an appeal to subscribers. Once the circulation is reduced, the newspaper becomes an undesirable or an ineffective advertising medium and it loses its advertisers. The process is, however, more often reversed, and this constitutes the second method of attack. The number of subscribers of an urban newspaper is usually large and scattered; it might, therefore, be a considerable expense to produce significant gaps in its subscription lists. Pressure is then put upon the advertisers; and if this is at all effective, the loss in revenue to the newspaper is so great that it must soon capitulate.[42]

[41] Weekly Bulletin [United Garment Workers], March 24, 1905, p. 3.

[42] Sartorius v. Waltershausen states that in a boycott on a newspaper it is more important to concentrate first against the circulation rather than against the advertisers, for if the circulation falls

Under the Knights of Labor the boycott against newspapers and their advertisers was frequently imposed. In 1880 the Pittsburgh Daily Times published an account of the secret transactions of the convention of the Knights of Labor, which had been presumably overheard by a reporter; the Knights claimed misrepresentation, and boycotted the paper and all persons who advertised in or subscribed to it.[43] In the report on "Strikes and Boycotts" made at the convention of 1887 it was stated that many boycotts had been imposed on "local newspapers that were hostile to the order, or that were run with non-union men." "As soon as the united boycotters strike at the vitals of the newspapers, the columns of advertisement," the report continues, "the paper succumbs. In that case the offensive newspaper is read in the assemblies. All stores advertising in it are noted, and the merchants are politely and 'with many expressions of regret' notified by a special committee that no member of our organization will patronize or even enter their stores as long as they advertise their goods in a paper 'so unjust and so bitter against our Order.' . . . No retailer is willing . . . to pay a high price for advertisement whose only result is to drive hundreds of customers from his store,"[44] so he withdraws his advertisement and thus helps to make effective the boycott of the Order on the newspaper.

Simultaneous with and later succeeding the Knights of Labor, the International Typographical Union from 1880 on constantly employed the boycott on newspapers as a weapon in its fight for the organization of unfair newspaper shops.[45] The most famous of these boycotts was perhaps that imposed upon the New York Tribune in 1884.

off, advertising in that paper ceases per se (Die Nord-Amerikanischen Gewerkschaften, p. 242). He does not, however, take into consideration the relatively smaller cost involved in appealing to a few advertisers as against the expense involved in announcing the boycott to thousands of subscribers. In practice, nevertheless, both movements are carried on simultaneously.

[43] Proceedings, 1880, p. 236.

[44] Proceedings, 1887, p. 1881.

[45] Barnett, The Printers, p. 268.

Originally the Tribune had been the property of Horace Greeley, a friend of union labor and himself at one time the president of a local printers' union. The paper passed by sale into the hands of Whitelaw Reid, who in 1877 announced his hostility to the printers by ordering a reduction in wages. For a time the printers' union was unable to organize the Tribune office; but in 1883, after it had succeeded in enrolling in the union a few of the men in the office, an agreement was made between the Tribune, in conjunction with several other newspapers, and the local typographical union. In December of that year the Tribune broke the agreement. Several weeks later 7400 local unionists took up the boycott on the New York Tribune and on all who were connected with that paper. As a medium for the publication of news concerning the progress of the boycott and of articles encouraging its more vigorous application, the New York local union of printers founded a weekly newspaper called the Boycotter. While the fight was in progress, a presidential election was held in which Cleveland was opposed for the presidency by Blaine, the choice of the Tribune for that office; the subsequent election of Cleveland was attributed by members of the unions to the political boycott imposed upon Blaine following the support by the Tribune of his candidacy.[46]

This boycott was followed by many others, some imposed by the International Union and others imposed and waged by local unions. In all, however, energetic and in the main successful efforts were made to force the withdrawal from the boycotted journals of profitable advertisements. In the boycott on the Los Angeles Times it was reported that the paper had lost more than three fourths of its out-of-town advertisers.[47] Likewise, in the boycott against the New York Sun there was published a list of department stores which had discontinued their advertisements, the paper thus losing a source of revenue that was peculiarly profitable be-

[46] Von Waltershausen, Die Nord-Amerikanischen Gewerkschaften, p. 244.

[47] Retail Clerks' International Advocate, April, 1903, p. 18.

cause of the frequency with which department stores advertise and because of the size of their advertisements.[48] It must be remembered, however, that success in boycotts on newspapers was obtained only after the unions had, on several occasions, carried on vigorous boycotts on the establishments of recalcitrant advertisers.[49]

During the entire history of the employment of the boycott on commodities, efforts have been constantly made under the Knights of Labor to provide necessary auxiliaries to the boycott and under the American Federation of Labor to discover an adequate substitute for it. These efforts can be ascribed to the influence of several factors.

In the first place, the boycott is in itself, in the last analysis, an incomplete weapon; to be completely effective, it must be equipped with a complementary mechanism. Dissatisfaction with one firm implies satisfaction with another. Similarly, the boycott and the withdrawal of patronage from an unfair firm implies the throwing of that patronage to a fair firm. Furthermore, when a boycott is placed upon one commodity or business, it is necessary for those managing the boycott to have at hand a competitor whom or a substitute which they can recommend to their friends and sympathizers. For example, in the boycott by the Knights of Labor of the products of a leather syndicate, branches of a fair firm were established by the Order in Texas, Nebraska, and Kansas, so that it might be possible "to supply a fair article" when the purchasers were requested to refuse the goods of the syndicate.[50] The establishment by Mr. W. R. Hearst of the Los Angeles Examiner during the boycott by the International Typographical Union of the Los Angeles Times can be attributed to similar motives.[51]

[48] Journal of the United Hatters, June, 1901, p. 5.
[49] American Federationist, November, 1901, p. 485; Coopers' International Journal, June, 1903, p. 247.
[50] Report of the General Executive Board at the Twelfth Regular Session of the General Assembly of the Knights of Labor, 1888, p. 88.
[51] Barnett, The Printers, p. 272.

In the second place, the opinion has often been voiced that the boycott defeats its own ends by attracting toward the boycotted firm the patronage of many consumers who are hostile to labor and who would gladly patronize firms which labor had declared unfair. In such a strain writes a correspondent to the Journal of the Knights of Labor in 1889. "The notoriety attending the imposition of a boycott," he contends, "very often proved a stroke of great good fortune to those whom it was intended to lead into paths of industrial rectitude. The clamor and noise formed a most valuable advertisement and drew upon the person or firm involved the general attention of labor's enemies; who to gratify an ill-concealed spite against organized labor threw their custom to offset whatever might be lost through the observance of the boycott."[52] With this idea there is also linked the belief that it is more desirable and less costly to concentrate the energies of the union upon the advertisement of fair firms, because the publication of a fair list or the advertisement of goods bearing the union label accomplishes by peaceful means that which a boycott accomplishes only at the expense of much ill feeling and hostility.[53]

Finally, a potent argument for the substitution for the boycott of a system for the advertisement of fair articles has been the legal objections that have been raised to the direct boycott. Although such obstacles had been continually interposed when a boycott was applied, yet they constituted no insurmountable barrier to the use of the boycott until the decision of the United States Supreme court in the Danbury Hatters' case, rendered on February 3, 1908.[54] This decision practically prohibited the publication of all unfair lists, and, therefore, again turned the attention of labor to the availability of fair lists as substitutes for unfair lists. At the convention of the American Federation of Labor in 1909 the executive council urged "each affiliated

[52] Journal of United Labor, March 21, 1889, p. 2807.
[53] Granite Cutters' Journal, May, 1906, p. 10.
[54] American Federationist, March, 1908, p. 192. Report of President, in Proceedings of the Twenty-eight Annual Convention of the American Federation of Labor, 1908, pp. 15, 80, 226.

organization to more thoroughly advertise the names of firms which employ union labor and conduct their establishments under sanitary conditions."[55] In that same year the Union Label Trades Department of the American Federation of Labor, comprising thirty-seven national and international unions, was organized "to devise means for the economic, effective, and comprehensive distribution of products bearing union labels."[56]

With the Knights of Labor the plans for creating markets for the friends of organized labor as a complementary device to the destruction of the markets of their enemies reached a high stage of development. By the publication of fair lists, or white lists of fair industry;[57] by the establishment of consumers' circles;[58] by the adoption of many labels, which through special agreement were published in the journals of the Farmers' National Alliance and Industrial Union and of the Citizens' Alliance and in other agricultural and industrial papers;[59] and by the inauguration of many cooperative schemes, the Knights of Labor were continually making vigorous efforts to extend the markets of fair employers and to make it profitable for such employers to become identified with the Order. By March, 1889, the vague, uncertain attempts of previous years had crystallized into a definite policy, with a new term coined to describe its intent: "As the boycott denoted the more or less rigid exclusion of our enemies from the support, we, as consumers, had the power to give, so . . . the term anti-boycott designates directly the opposite policy of confining our patronage exclusively to our friends."[60]

The term anti-boycott can of course be used to describe any system of fair lists through which is intended the advertisement of the products of fair employers. Disregarding their cooperative schemes, which at times assumed great

[55] Proceedings, p. 109.
[56] Ibid., p. 90.
[57] Journal of the Knights of Labor, July 24, 1890, p. 4.
[58] Constitution, 1899, Sec. 39.
[59] Journal of the Knights of Labor, May 26, 1892, p. 2.
[60] Ibid., March 21, 1889, p. 2807.

complexity, it may be said that the fair lists of the Knights of Labor bear the marks of possessing greater effectiveness than is the case with the majority of such lists. The fair list, as it usually appears in a trade-union periodical, has ordinarily only a negative effect. Consisting, as it does, of an enumeration, frequently too long, of merchants whose only virtue is the fact that they have not openly antagonized the particular labor organization, it is not likely to arouse any great enthusiasm in the subscribers to the journal. When, however, there is appended to the notice of a boycott a list of fair merchants who have in specific cases refused to deal with the boycotted firm, and who have in fact performed the double service of employing union men, which is the service of all fair employers, and of refusing specifically to deal with the non-union firm, the moral effect of such a notice will undoubtedly be much greater than that of the ordinary fair list. The employers included in the customary exhaustive fair lists are regarded as merely passive supporters of the Order; on the other hand, the fair employer whose name is included in these special fair lists is considered as active a supporter of the organization as is any member who openly refuses his patronage to the unfair firm. Accordingly, when the members of the Order were urged to buy the tobacco of the Drummond Tobacco Company, because that firm had agreed not to handle any goods made by the Enterprise Foundry the manufacturer, among other things of tobacco cutters;[61] and again, when in the boycott of a shoe firm a list of thirty-four local merchants was appended who had refused to handle the goods of the boycotted firm until the differences between the firm and its employees had been satisfactorily settled;[62] the response from the members of the organization should have been more general than that following the insertion in the journal of a list of merchants who were fair in that they were not openly

[61] Journal of the Knights of Labor, June 6, 1889, p. 2850; July 25, 1889, p. 4.
[62] Ibid., August 30, 1888, p. 2690.

fighting the Order or in that they were employing its members.

The extension of the markets of union firms, or of firms that are friendly with labor organizations, has also had a considerable development under the American Federation of Labor, but the greatest advance has been made in the extensive application of the union label. At the convention held in 1894 there was established a system of label lecturers "to advocate the exercise by labor of its influence in compelling the production of union-made and union-labelled goods."[63] Since that time substantial increases have been made in the output of commodities bearing the union label. With a view to augmenting the number of possible purchasers of fair commodities, efforts have been made from time to time to form alliances with various farmers' organizations, which were said to be "especially efficient in the sale of label made products."[64] It is likely, unless recent judicial opinions and statutes are so modified either by future judicial dicta or by amendatory legislation as to permit the publication of the names of unfair firms and a description of their products, that the efforts of unions will be redoubled in urging patrons to buy from fair establishments; and signs of great activity in this direction have already been evidenced in the establishment of the Union Label Trades Department and in the success of that department in spite of the few years of its existence.[65]

Regarded, however, as a substitute for the boycott, the agitation for the purchase of fair goods presents several objections. In the first place, there are industries or sections of industries which have long defied the labor organizer; in such cases the fair or union establishments are either nonexistent or are so few in number and have such limited mar-

[63] American Federationist, January, 1895, p. 264.

[64] Proceedings, 1909, pp. 104, 230.

[65] For a more detailed description of the work of the Union Label Trades Department and for data showing the numerical increase in the use of the label, see Proceedings of the Thirty-first Annual Convention of the American Federation of Labor, 1911, pp. 27, 103; American Federationist, December, 1911, pp. 976, 977; Proceedings of the Thirty-second Convention, 1912, p. 24.

kets that the publication of a fair list is impossible and, if possible, would be useless. A condition of this kind exists in the collar industry. Another objection is the purely mechanical inferiority of a fair list to an unfair list. Unless the union which publishes the list is willing to slight friendly establishments, the fair list must be as exhaustive as possible, and in that form it assumes such unwieldy proportions that reference to it becomes an unpleasant burden.

Finally, considerable difficulty is often experienced in defining a fair firm. When at the convention of the American Federation of Labor in 1904 it was resolved that the American Federationist should not publish the advertisements of unfair firms, the committee held that "if the introducer of the resolution contends that no firm should be advertised unless they handle union goods exclusively, it was of the opinion that such advertisements are not to be obtained."[66] Furthermore, when there was discussed before a convention several years before the advisability of publishing a fair list that would contain only the names of those firms whose products are "handled by union men throughout," a delegate strongly opposed a list so constituted on the ground that there was scarcely a "firm that was friendly to organized labor that would be put on the fair list," and, in addition, that "if adopted it would compel his craft to take every firm from the fair list."[67] The plan that was finally adopted provided for a list open only to those firms all of whose employees are members of the trade union of their craft.[68] Disregarding these difficulties, however, one would still have great hesitancy in denying the superior effectiveness of a concerted, vigorous assault, with its ability to arouse the passions and active enmity of thou-

[66] Proceedings, 1904, p. 174.

[67] Proceedings, 1898, p. 133.

[68] Proceedings, 1899, p. 160. A census of establishments in the United States would reveal at the present time, first, a number of firms specifically unfair to labor; secondly, a larger number of firms designated as fair; and finally a third category, probably more inclusive than a combination of the other two, of firms which are neither entirely fair nor unfair, but which number among their customers many unionists.

sands of unionists toward a few firms whose names, as the result of a country-wide propaganda, have become household words, over a long drawn out series of recommendations, embodied in a fair list, that is too often rewarded by the apathy and indifference of the workmen.[69]

As was pointed out in the preceding chapter the type of organization predominant in a country at any time may conceivably exert an influence on the use of the boycott on materials in various industries. By a similar line of reasoning the attempt has been made to demonstrate the superiority of the industrial over the trade-union form of organization in the application of the boycott on commodities. Thus one writer says: "In the use of the boycott, the inter-trade form of labor organization enjoys a peculiar advantage. A trade union in any locality may cease purchasing an article without appreciably reducing its sale, since the proportion of consumers belonging to any single union is necessarily small; but an assembly of the Knights of Labor supported by a large part of the consumers in the vicinity wielded an influence proportional to the purchasing power of all members interested."[70] It is perhaps true that the boycott on commodities was more generally enforced under the Knights of Labor than under the American Federation of Labor. But to attribute this difference to the type of organization dominating each of these bodies is to neglect entirely the influence on the employment of the boycott of the personnel behind the two organizations, of the totally different spirit pervading their acts, and of the industrial condition of the country in two different periods. The Knights of Labor were emotional, high-strung, spectacular; within hardly more than a half decade the Order attained by the indiscriminate boycotting of its enemies a hitherto unheard of

[69] The fair list gains in importance, however, when it is noted that the boycott is a temporary expedient, whereas the fair list is a permanent institution.

[70] W. Kirk, "The Knights of Labor and the American Federation of Labor," in Studies in American Trade Unionism, edited by Hollander and Barnett, p. 368.

position of industrial and political power. The American Federation of Labor, while exhibiting on some occasions similar qualities, is, on the whole, characterized in its management by a more measured calmness and a greater deliberation. Beyond this no great virtue can be ascribed to the one or the other type of organization in the application of the boycott on commodities. Indeed, in this connection the distinction between industrial and trade unionism is more apparent than real. If under industrial unionism all industrial unionists in a city withdrew their patronage from an unfair establishment, then under trade unionism all trade unionists in a city, joined together under the central unifying authority of a central labor union or of a city federation, enforced the boycott with equal effectiveness.

CHAPTER V

The Mechanism of the Boycott

Legislation adopted by American trade unions for the regulation of boycotts has been neither extensive nor complex. Although there has been since 1880 a gradual development of a few general, if obvious, principles in the theory and practice of the boycott, a great majority of the rules in force at one time or another have been dictated by the exigencies of the moment and inspired by the peculiar circumstances surrounding specific instances of the boycott. Unlike the union regulations affecting the strike and the closed shop, which are both severe and enforceable, the control of the boycott has been weak and inadequate; nor have the purchasers of unfair commodities met with the same drastic treatment that is ordinarily inflicted during strikes upon scabs and, in trades that enforce the closed shop, upon non-union laborers. It is, to be sure, frequently stated by unionists that the purchase of boycotted goods is as reprehensible as is the performance of labor in an establishment in which a strike is in progress. Rarely, however, in practice does the same odium attach to the one act as to the other.

The explanation of this difference is not difficult to find. It depends upon the fact that the strike deals with groups of workmen who can be definitely located in one or a number of establishments; the movements of every individual, in his capacity as a laborer in that industry, are constantly under the scrutiny of his fellow-workmen and of the union officials. An infraction of a union rule amid such exposed surroundings would result in the immediate discovery of the delinquency and in the prompt application of disciplinary measures. In his capacity as consumer, on the other

hand, the member of a union can be reached only with great difficulty. Only in small towns where purchases are made in one or two stores is it possible to adopt the same stringent measures with regard to the enforcement of the boycott as obtain in the management of the strike. The discovery of violations of the provisions of boycotts in a large city would necessitate the constant employment of a force of pickets whose size would soon assume unheard-of proportions. The recognition of these difficulties in enforcing the boycott has resulted not only in diminishing the number of legislative regulations but in tempering their severity. The boycott notice is for this reason persuasive rather than mandatory; it is couched in terms of appeal rather than in terms of threat. And, finally, it seeks to earn the support of workmen by the employment of methods designed to inspire loyalty and to enlist sympathy and not intended to invite fear.

Few unions have a definite boycotting policy which specifies the precise conditions under which the boycott will be levied. With unions like the carpenters, which impose boycotts upon materials as the result of a carefully conceived plan for the organization of mill workers, or with unions like the broom makers, which boycott the products of prison labor, the boycott is a weapon that is constantly in use, if not throughout the entire territorial jurisdiction of the union, at least in certain favorably situated localities. Occasionally, however, unions will discuss the adoption of a general or universal system of boycotting applicable to all industrial disputes. The most sweeping of such systems was that contained in a resolution presented to the convention of the Knights of Labor in 1884, providing that the Order "adopt a general system of boycotting instead of strikes," and further, that "wherever members of the Order were forced out of employment" a general boycott notice should be issued. The resolution was rejected.[1] More recently the Metal Polishers adopted a somewhat less general rule pro-

[1] Proceedings, 1884, pp. 728, 761.

viding that if any members of the union on strike were unable to win after sixty days, the president and the executive board of the union would be required to declare a boycott against the firm and, also, to declare the shop open.[2] Such action is exceptional, since most unions are accustomed to judge each case on its merits before deciding whether or not a boycott is advisable.

It must be inferred from the foregoing statement, not that labor organizations are not guided by general principles in the use of the boycott, but merely that the principle is not so rigidly formulated as in the rules just cited. All unions, for example, impose boycotts upon the products of firms when a strike against the firms has had an unsuccessful issue; few would be inclined arbitrarily to predetermine the limits of all strikes and the dates of inception of all boycotts. Such matters, in the majority of cases, instead of being subject to legislative regulation, become questions of administrative practice.

Under the present form of labor organization a boycott may be initiated by any one of the three following bodies: a local union, a national union or a federation of these organizations embodied in the American Federation of Labor. In actual practice the levying of a boycott by a local union is followed by application to the central labor union of that locality for endorsement of the boycott. Such a procedure is made necessary by the fact that no great injury can be done to a firm by the unassisted efforts of one local union, whereas within the limits of a single city the membership of a central labor union, composed as it is of the local unions of practically all trades, might constitute a considerable purchasing power whose support is highly desirable in a local boycott. Similarly, when the sale of the product of a firm is not confined to a single city or state, the endorse-

[2] Proceedings, in The Journal [Metal Polishers, Buffers, Platers, and Brass Workers], April, 1901, pp. 58, 70. The Granite Cutters, also, have the general provision that "any firm violating an agreement with any branch of our International Association shall be considered a non-union firm" (Constitution, August, 1905, sec. 101).

ment of the national union may be requested; and following that, the endorsement by the American Federation of Labor assures the advertisement of the boycott among the greatest possible number of organized laborers. A somewhat analogous condition was present under the Knights of Labor, where the possible boycotting units consisted of the local assemblies, the district assemblies, and the all-inclusive general assembly. The existence of these agencies and their activity in imposing boycotts has raised two problems which early became the subject for remedial legislation under both the Knights of Labor and the American Federation of Labor. One problem was concerned with what might be called the incidence of the boycott and the other with its frequency.

(1) The first point to be discussed relates to the incidence of the boycott upon workmen in localities other than those in which it was originally initiated. It was, for example, a matter of frequent occurrence under the Knights of Labor for a local assembly to boycott a firm whose business extended over the jurisdiction of several local assemblies, and to make efforts through advertisement and correspondence to have the boycott waged in other localities, in spite of the fact that the unfair firm and the other local assemblies were on friendly terms. Such a boycott, if successful, throws out of work union members in localities where the local assembly and the employer are at peace. To avoid such consequences, the rule was adopted in 1885 providing that "whenever any local or district assembly desires . . . to institute any boycott which affects other localities, local, district, or state assembly the facts must be gathered and presented to the Executive Board which, after careful examination, shall have the power to institute a general boycott."[3] The difficulty was thus solved by a centralization of authority in the initiation of the boycott. Under the Amer-

[3] Proceedings, 1885, p. 162. The committee on the boycott recommended, also, that local, district, and state assemblies should not be deprived of the right of instituting a boycott provided it affected no other localities.

ican Federation of Labor similar difficulties have been encountered; indeed, a number of national unions have adopted constitutional provisions removing from local unions the right of imposing a boycott without the consent of the national union.[4] For example, in 1903 the amendment was suggested to the constitution of the Retail Clerks' Protective Association that "when local unions place firms on the unfair list, who have branch stores in cities other than that in which the union is located, before applying for assistance from sister locals," the boycott must be endorsed by the International Association.[5] Similarly, it has been attempted on several occasions, but unsuccessfully, to enact legislation preventing the central labor union from imposing boycotts on firms "which manufactured and sold goods outside of the city in which" the central labor body was situated, or on firms doing an interstate business, unless the national union whose interests were involved consented to the boycott.[6]

Secondly, it frequently happens that a boycott results in the loss of employment by union laborers, who have no dispute with the firm, in the very locality in which the boycott is initiated. This is ascribable to the prevailing system of labor organization. The trade-union form of organization, which permits the employment in the same shop or establishment of the members of totally distinct labor organizations, exposes the members of the unions which are at peace with the employer to all the consequences of a successful boycott imposed by the union which is at war with him. Disputes arising from the initiation of such boycotts have been numerous. In 1901 the Piano and Organ Workers' International Union protested against the boycott imposed

[4] Constitution of the United Garment Workers, 1898, art. xiii, sec. 12. Constitution of the Broom Makers' Union, By-Laws Covering Local Unions, art. ix, sec. 8, in the Broom Maker, April, 1903, p. 136. Proceedings of the Eighth Convention of the International Brotherhood of Bookbinders, in the International Bookbinder, June, 1902, p. 90.

[5] Retail Clerks' International Advocate, June, 1903, p. 29.

[6] Proceedings of the Twenty-third Annual Convention of the American Federation of Labor, 1903, p. 182. See also Barnett, "The Dominance of the National Union," p. 472.

by the Wood Carvers' Association on the Vose and Son Piano Company. The protest declared that out of a total of between two and three hundred employees there were only six or ten wood carvers who had a grievance against the company and their action in imposing a boycott had proved injurious to the great bulk of employees.[7] In 1912 the Brotherhood of Painters and Decorators through the Buffalo central body boycotted the Brunswick-Balke-Collender Company; this boycott was protested by the Carpenters because the firm employed members of the Carpenters' Union.[8] The Coopers and the Brewery Workmen were for a long time in the throes of disputes occasioned by the boycott by the Coopers of breweries which employed union brewery workers and by the boycott by the Brewery Workmen of breweries which employed union coopers.[9] The possibility of such disputes is again suggested when a manufacturer or business man is interested in two concerns. Thus, the Western Federation of Miners urged upon the American Federation of Labor the boycott of the newspapers of W. R. Hearst, because, they claimed, he was the owner of the unfair Homestake Mining Company; the boycott was, however, opposed by Delegate Lynch of the Typographical Union on the ground that Mr. Hearst "employed members of the five international Trades in the printing industry in all of his eleven newspapers."[10]

The policy of the American Federation of Labor in such disputes has been to defer endorsement of the boycott until the unions involuntarily involved in it have been consulted.[11]

[7] Proceedings of the Twenty-first Annual Convention of the American Federation of Labor, 1901, p. 142.

[8] Proceedings of the meeting of the Executive Council of the American Federation of Labor, reported in the American Federationist, July, 1912, p. 568.

[9] Proceedings of the Seventeenth Annual Convention of the American Federation of Labor, 1897, p. 47.

[10] Proceedings of the Thirty-first Annual Convention of the American Federation of Labor, 1911, p. 199.

[11] The attitude which the American Federation of Labor should take toward boycotts that affect union workmen has been the subject for much discussion at conventions. See, for example, Proceedings, 1897, p. 61; Proceedings, 1898, pp. 34, 131; Proceedings, 1901, p. 91; Proceedings, 1910, p. 292.

The International Association of Machinists, for example, in 1900 applied for permission to place the Western Electric Company of Chicago on the "We Don't Patronize" list; it was decided that final action on the case would be postponed until Mr. Gompers could communicate with the Wood Workers and the Metal Polishers.[12] In 1904 the Stove Mounters complained that their application for the endorsement of a boycott had been in the hands of the executive council for six months and no action had been taken; to this the chairman replied that the council would consider the matter after consulting with Mr. Valentine of the Iron Molders.[13] The Stereotypers were actually refused the endorsement of a boycott against two Chicago newspapers because of the protest lodged by the International Typographical Union.[14] As Secretary Morrison has stated it is the policy of the American Federation of Labor not to endorse any boycott where union labor is employed, unless the national union whose interests are concerned agrees to the boycott.[15]

(2) Labor organizations have early learned the wisdom of training the combined forces of their organization upon a few firms instead of scattering their energies in the prose-

[12] Proceedings of the Executive Council of the American Federation of Labor, reported in the American Federationist, August, 1900, p. 259.

[13] Stove Mounters' Journal, January, 1904, p. 5. See also Proceedings of the Fourteenth Convention of the Stove Mounters' and Steel Range Workers' International Union, 1910, p. 8.

[14] Proceedings of the Twentieth Annual Convention of the American Federation of Labor, 1900, p. 65.

[15] Disputes similar to those described above have also arisen in the management of the union label. See Spedden, chapter vii, on Trade Jurisdiction and the Label. See also Stove Mounters' Journal, April, 1902, p. 437; June, 1904, p. 175. Complaints have also often been registered against the acceptance of the advertisements of unfair firms by the journals of affiliated unions. At the convention of the American Federation of Labor in 1893, resolutions were adopted condemning the publication of advertisements of boycotted firms in the journals or souvenirs of affiliated organizations (Proceedings, p. 55). Specific charges have at times been made against labor journals for accepting such advertisements; thus the Trainmen's Journal was criticised for publishing advertisements of the unfair Tobacco Trust (Proceedings of the Twenty-Sixth Annual Convention of the Massachusetts State Federation of Labor, 1911, p. 72).

cution of numbers of boycotts. Because this knowledge has, however, not penetrated to the rank and file of the labor movement, it is constantly found necessary to enact rules designed to limit the number of boycotts. Accordingly, at the convention of the Knights of Labor in 1885 Mr. Powderly in his report recommended the enactment of legislation for the regulation of this matter. "Too much indiscriminate boycotting has been indulged in throughout the Order," he stated, "and as a consequence that weapon has lost a great deal of its effectiveness."[16] This state of affairs was partially remedied by placing the power of initiating general boycotts in the hands of the general executive board of the Order.[17]

Four years later, at a convention of the American Federation of Labor, attention was also called to this danger of promiscuous and ineffective boycotting. The discussion centered then around the report of the committee on labels and boycotts as to the wisdom of placing upon the unfair list a large number of breweries. In the subsequent debate it developed that the general sentiments of the delegates favored, instead of the boycotting of a score or more of breweries in a dozen different cities, the concentration on a few of the leading breweries that were opposed to organized labor.[18] There was, however, no sign of a decrease in the number of boycotts. In 1894 the executive council appointed a committee to investigate the large number of boycotts that had been referred to it by the last convention.[19] A few years later it was found necessary to limit the number of names which can be put on the "We Don't Patronize" list at any one time to three firms for each national union, one for each central body, and one for each local union directly affiliated with the American Federation

[16] Proceedings, p. 19.

[17] At the convention of 1886 the general executive board refused to sanction twenty-two boycotts which it was asked by various local assemblies to impose and make general (Proceedings, pp. 106, 137).

[18] Proceedings, 1889, p. 40.

[19] Proceedings of the meeting of the Executive Council, reported in the American Federationist, March, 1894, p. 19.

of Labor.[20] The effect of even this legislation was not encouraging, for the unfair list continued to grow.[21]

Several indirect methods were, however, still open to the American Federation of Labor by which it was possible to exercise at least partial control over the frequency of the boycott. There was first the general rule that before the name of a firm was placed on the unfair list an effort should be made by the executive council to effect an amicable settlement.[22] Thus in 1900, when the Stove Mounters made application to place the Belleville Stove Works on the "We Don't Patronize" list, it was moved that the endorsement be withheld, while in the meantime President Gompers would endeavor to organize the stove mounters employed at that factory.[23] The American Federation of Labor will refuse also to endorse a boycott on the request of a union which itself breaks an agreement with the firm which it now seeks to boycott. This was illustrated in the application of the Metal Polishers in 1902 for the endorsement of its boycott on the National Cash Register Company, which was refused because the union had recently made an agreement with that company and had then deliberately broken it.[24]

These regulations of the American Federation of Labor, it will be observed, tend to diminish not the total number

[20] Proceedings, 1901, p. 233; see also American Federationist, October, 1903, p. 1077.

[21] The committee on the boycott again in 1906 emphasized the necessity of reducing the size of the unfair list; it then recommended that unions which had firms on the unfair list should report every three months to the executive council "what efforts they are making to render the boycott effective. Failure to report for six months shall be sufficient cause" for the removal of the boycotts "not reported on . . ." (Proceedings, 1906, p. 242). A correspondent to the Garment Workers' journal wrote that "the 'We Don't Patronize' list of the American Federation of Labor has grown to such proportions that the average man would require a thorough course in mnemonics in order to remember one-half of the firms whose names appear thereon" (The Weekly Bulletin, January 12, 1906, p. 3).

[22] American Federationist, October, 1903, p. 1077.

[23] Proceedings of the meeting of the Executive Council of the American Federation of Labor, reported in the American Federationist, August, 1900, p. 259.

[24] The Journal [Metal Polishers, Buffers, Platers, Brass Molders and Brass Workers], September, 1902, p. 42.

of boycotts in this country, but merely the number that will appear on the "We Don't Patronize" list of that organization. The control of the number actually initiated and waged must be left to the national and local unions themselves. The experience of the American Federation of Labor in regulating the size of its unfair list has been the experience of its constituent national unions in restraining their local unions from imposing too great a number of boycotts upon objectionable employers. The Metal Polishers, for example, decided in 1905 to limit the number of boycotts which they would push to the five most important ones.[25] It was found impossible to carry out this policy, first, because of the difficulty of determining which five were the most important, inasmuch as the local unions whose boycotts were disregarded maintained that theirs were more important than the others; and second, because those local unions whose boycotts were being pushed showed no great alacrity in taking the names of their firms from the list and thus making room for new ones. The following year, therefore, the plan was adopted of granting to each local union one place on the list.[26] Even this plan was not entirely satisfactory, for in 1907 it was made compulsory for the local unions who have their boycotts endorsed by the international union to make a report at least every three months of the efforts being made to make the declaration of unfairness effective.[27] By this means it was hoped to reduce the number of boycotts.

How effective these various rules have been it is, of course, difficult to determine, because the lack of adequate data makes it impossible to study the quantitative course of the boycott in the last ten or fifteen years. On the one hand, the extension of organization and the realization of the power of that organization would tend to increase the number of boycotts; on the other, the growing conservatism

[25] The Journal, January, 1905, p. 53.
[26] Ibid., September, 1906, p. 7. The firm was to be chosen by the local union itself.
[27] Ibid., October, 1907, p. 6.

of labor organizations, the frequent admission by the labor leaders that the boycott should be sparingly used, and the conscious efforts made to keep the number within workable bounds, have had a restraining effect.

After all efforts at peaceful adjustment have failed and the boycott has been inaugurated and endorsed by the proper authorities, the first step in the actual waging of the boycott consists in the proper narration to the purchasing public of the causes of the dispute. Inasmuch as the success or the failure of this device depends upon the extent to which it can earn the sympathy of consumers, the importance of an effective boycott notice cannot be overestimated. Under the Knights of Labor the authors of such notices attained a high degree of skill. The articles in the Journal of the Knights were peculiarly effective in their ability to arouse class antagonisms and to interpret every disinclination of an employer to grant the demands of a particular union as an attack upon labor as a whole.[28] The same tactics were very skilfully, and perhaps justly, employed by Mr. Gompers in the campaign against the Buck's Stove and Range Company. Here, because of the frequent references to Mr. Van Cleave's hostility to the labor movement, it was possible to organize a far more effective boycott than if attention had been concentrated merely upon the grievances of the foundry employees against the Buck's Stove Company. All accounts of the grievances of a union which lead up to the imposition of a boycott are, of course, not written, but a great many are communicated orally to customers of the unfair firm by boycott committees or agents who visit these

[28] An example of an effective boycott notice is the account published by the Metal Polishers of their grievances against the National Cash Register Company. The narrative goes back to 1890, when the present superintendent of the Cash Register Company, then an employee of the Yale and Towne Company, had been instrumental in stirring up labor troubles. A description follows of the activities of this old enemy in his new berth. The impression left upon the reader is that the welfare of the labor movement depends in great part upon the elimination of this individual (The Journal, September, 1901, p. 4).

customers in an effort to make the boycott effective. Here, too, the attempt is made to play upon the customers' sympathies. In a boycott against the Royal Mantel Company, for example, one such committee which had been calling on the local dealers reported that "they did not threaten any of them, but used the argument that the horrors of slavery in its halcyon days were not worse than the treatment received by the employees of the Royal Company."[29]

Simultaneously with the appearance of these boycott notices, the names of the boycotted firms appear throughout the country in the various unfair or "We Don't Patronize" lists which are published in American labor journals. When the Order of the Knights of Labor was at the height of its power, the number of names upon its unfair list, published in the weekly journal of the Order, rarely exceeded five or six. There was, however, in addition to this unfair list, the Order's Black Book, which contained the names of those firms boycotted by the local and district assemblies, and which was to serve as a book of ready reference for the members of the Order.[30] The "We Don't Patronize" list of the American Federation of Labor was before 1908 published monthly in the American Federationist and in several of the journals of national unions. The number of firms contained in that list has varied from only a few to more than one hundred and twenty-five. The majority of the National Unions also have their own unfair lists, some of which are printed in their journals. The sizes of these lists differ, of course, in different unions and at different times. The Coopers, for example, had at one time about seventy names upon their unfair list,[31] and the Metal Polishers at another time had thirty-three.[32] The central labor bodies have their unfair lists, which may be published in the paper of the body, if it has one, or may merely be posted

[29] The International Wood Worker, May, 1896, p. 132.
[30] Journal of the Knights of Labor, October 16, 1890, p. 4.
[31] Coopers' International Journal, February, 1906, p. 117.
[32] The Journal, September, 1906, p. 7.

upon the bulletin board where they can be read by all the members of the central organization.[33]

The form of the unfair list of a single national union is simple. It usually consists of the title "Unfair" or "We Don't Patronize," and, below the title, an enumeration of the unfair firms and their locations. In the unfair list of the American Federation of Labor, which is composed of the firms boycotted by unions in many different industries, the firms are classified by the character of their products, as for example, clothing firms, manufacturers of food stuffs, and so on. In the majority of unfair lists no greater prominence is given to one firm than to another. When, however, a union is entering upon a very important boycott, it is customary to place the name of a single unfair firm or of a group of firms in a more conspicuous position. Thus, in the boycott of the National Cash Register Company by the Metal Polishers there was printed in large green letters at the top of the cover page of the journal of the union the words, "National Cash Register Boycotted"; and distributed throughout the journal, amid various articles, was scattered the admonition "Remember the National Cash Register is Boycotted."[34]

Following the court decision in 1908, cited in an earlier chapter,[35] it was found necessary to discontinue the publication of the unfair lists. The Coopers reported that they were no longer sending to their local unions the quarterly pamphlet containing the list of unfair firms, because the pamphlet was submitted to the legal department of the American Federation of Labor for consideration and that department advised that its issue would constitute a violation of the injunction issued by Federal Judge Gould.[36] This did not, however, mean the cessation of all public notices of boycott, for in February, 1910, the journal of the Metal Polishers, which after the Buck's Stove Company in-

[33] American Federationist, January, 1902, p. 35.
[34] The Journal, October, 1901.
[35] Chapter i.
[36] Coopers' International Journal, May, 1908, p. 296.

junction had stopped printing the unfair list, substituted a list of firms under the following caption: "Where our members have been or are now on strike and no adjustments have been made." The list contained the names of eight firms, one of which was the Buck's Stove and Range Company. Furthermore, in 1912 the executive board of that same union agreed unanimously to place a certain firm on the unfair list despite the fact that the union professed to have no such list.[37] Some unions have definitely replaced the unfair list with other devices. The Baltimore local branch of the International Typographical Union, for example, when it had a difficulty with the Peters Publishing Company, did not place the firm upon an unfair list but sent to many of the firms in the city a booklet containing an account of their grievances and the correspondence between the union and the Peters Company, and, in addition, a pamphlet which described the benefits and advantages of membership in the Typographical Union and the aims and objects of the union. No request was made that the recipients of these letters should withdraw their patronage from the Peters Company, but the booklet closed with the challenge that "the Typographical Union is conscious of its rights, its character, and its responsibility, and it will defend them at any cost."

The unfair list is the general notice of the boycott; it must be followed by activities designed to concentrate the boycott in certain localities where the commodities in question are sold and by those designed to enlist the support of the customers of the unfair firm. The agencies which exist for the exercise of these functions are the district organizers of the American Federation of Labor, the special agents of national unions, the boycott committees of the central labor bodies, and the boycott committees of the local unions. There were at the last report 1760 district organizers of the American Federation of Labor; although they report from time to time that they are pushing certain boycotts,

[37] The Journal, April, 1912, p. 25.

these organizers are of no great importance as boycotting agencies, since their activities in furthering boycotts are merely subsidiary to their principal activities as organizers.[38]

The special agent appointed by the national union is a functionary of considerably greater importance. In those cases where the boycotted firm is a large wholesale house which sells the bulk of its product to large retail dealers, it is the duty of these national agents to visit the various retail houses and to persuade their proprietors either to withdraw their patronage from the boycotted firm or to use their influence in persuading that firm to yield to the demands of the union. They have been appointed frequently in such unions as the Garment Workers and the Hatters. It was, for example, reported in 1902 that an agent appointed by the United Hatters' Union was in Buffalo, where he was visiting the retail hat stores and department stores in the endeavor to persuade them to stop buying Roelofs' hats.[39] In that same boycott four agents were stationed in Tennessee, California, Wisconsin, and Minnesota for the purpose of bringing pressure to bear upon customers of the Roelofs' Company located in those States.[40]

These national agents can, however, at most stay in a town only a short while. Their duty consists rather in travelling from place to place and in organizing the boycott than in remaining at one place and managing all of its details. The hand to hand distribution of propagandist litera-

[38] Reports of these organizers are published in the American Federationist; see, for example, August, 1896, p. 130; March, 1898, p. 7; September, 1901, p. 382.

[39] Journal of the United Hatters, March, 1902, p. 12.

[40] Ibid., February, 1902, p. 3. In a boycott instituted in 1898 by the United Garment Workers, in conjunction with the two local unions in whose jurisdiction the boycotted firm was situated, "sent an agent on the road to act against the unfair houses" (Proceedings of the Sixth Convention, in the Garment Worker, January, 1898, p. 5). In the following year the general secretary of the union recommended that a competent lecturer be kept upon the road "for the purpose of creating a greater interest in the label and of prosecuting all pending boycotts" (The Garment Worker, August, 1899, p. 8). See also Proceedings of the Eleventh Regular Session of the General Assembly of the Knights of Labor, 1887, p. 1282.

ture, the interviewing of many small local dealers, and the adoption of numerous schemes of advertisement to center attention upon the boycotted firm or commodity must be entrusted to other persons. The exercise of these extremely important functions lies in the hands of committees from the local unions[41] and from the central labor bodies. Of the two, the committee of the central labor body is by far the more effective. A compact body composed of practically all of the organized laborers of the city, skilled and unskilled, the central labor body represents the only unit of consumers that can effectively carry on in a community a boycott on unfair articles. Obviously, the arguments of a committee of the Baltimore Federation of Labor, representing thousands of organized carpenters, sheet metal workers, printers, bookbinders, garment workers and others, would carry much more weight with a local merchant than would those of a committee representing the 800 to 1000 members of the local bricklayers union, or even the committee representing the United Brotherhood of Carpenters and Joiners, an organization extending all over the country with a membership of over 200,000. With regard, then, to the actual marshalling of the forces of organized labor in each community and to the impressing upon the agents of the unfair commodities in those places the strength of organized labor as a body of consumers, the boycott committee of the central labor organization is the most effective of the four agencies,—so effective, indeed, that one student of the history and functions of central labor unions has been led to assert that "without the Central Labor Union an effective boycott could not be carried on in the city."[42]

[41] The committee on the boycott of the Knights of Labor reported in 1885 that "each state, district, and local assembly attached to the general assembly be required to appoint a boycotting committee," which should "prepare all documents, collect evidence, and take charge of all matters pertaining to boycotting in their respective localities" (Proceedings, 1885, p. 162). See also Journal of the Knights of Labor, June 2, 1892, p. 4; Journal of the United Hatters, August, 1898, p. 3.

[42] W. M. Burke, "History and Functions of Central Labor Unions," in Columbia Studies in History, Economics and Public Law, vol. xii, no. 1, p. 83.

A prerequisite to the successful prosecution of a boycott by the various boycotting agencies is a knowledge of the destination and places of sale of the boycotted commodities and the ability to identify those articles. Labor organizations have always exhibited great activity in collecting and distributing such information. For example, when the Knights of Labor boycotted in 1888 the Higgins Carpet Company, the journal of the Order contained every week lists of shipments that had been made by that firm within specified dates.[43] In a boycott against a New York shoe company it was stated that the central office had a list of the retail dealers throughout the states of New York, Pennsylvania, Iowa, Ohio, Illinois, Kansas, and Michigan to whom the goods of this firm were being shipped.[44] In the boycott against the Anheuser-Busch and W. J. Lemp Companies the local and district assemblies were requested to make lists of saloon-keepers and others who sold the beer of these unfair breweries and to forward these lists for the use of the central office.[45]

The methods used in the actual tracing of the goods are various, but in the main consist in following shipments or consignments to stations or piers and there attempting to discover their destinations. In a boycott in 1908 by the local carpenters' union of Dubuque, Iowa, the boycotted firm requested an injunction to restrain members of the union from "following their wagons to depots and jobs to see where they were sending material."[46] In a boycott by the Granite Cutters' Union the union reported that the "firm was afraid to ship the stone in open cars, but put it in box cars to keep the members of the union from know-

[43] The lists appeared in the following form: "6 large loads to Arthur and Steeman, Penna. R. R., 3 P. M. foot of Liberty St., New York to Philadelphia., Pa. . . . The truck of H. B. Claflin & Co. was hauling carpets from Dunham, Buckley & Co. (sent to D. B. & Co., from Higgins) to Star Union line, marked 'B. & B.' Columbus, Ohio" (Journal of United Labor, February 11, 1888, p. 2573; February 25, 1888, p. 2583).

[44] Ibid., April 28, 1888, p. 2618.

[45] Journal of the Knights of Labor, September 3, 1891, p. 4.

[46] Proceedings of the Fifteenth Biennial Convention of the United Brotherhood of Carpenters and Joiners, 1908, p. 45.

ing what was being shipped."[47] In the boycott in 1891 against Rochester clothing manufacturers the Baltimore Clothing Cutters' assemblies announced that "their pickets had succeeded in tracing several carloads of boycotted Rochester clothing and that steps were taken to let the workmen of Baltimore know in what stores the boycotted goods were on sale."[48]

A union may frequently be unable to trace boycotted goods to their destination or even to distinguish fair from unfair goods. One of the great difficulties experienced by the stone cutters in enforcing their boycott on unfair stone was due to their inability to determine the destination, in some cases, and the source, in others, of the stone. A union attempting to enforce a forward boycott would very often be cutting on three or four jobs at the same time, and would, consequently, be at loss to know which of the stone was to be shipped to the unfair job. If, on the other hand, the boycott were a backward boycott, the difficulty would consist in discovering the source of the stone.[49] The desire on the part of manufacturers to evade the consequences of boycotts has led to the adoption of a number of devices for concealing the identity of the goods. An obvious device is the changing of the name of the firm and the trade-mark on the boycotted commodity. For instance, when the Bricklayers placed the P. B. Broughton Brick Company on its unfair list, that firm proceeded to ship bricks under the name of the "New York Hydraulic Brick Company."[50] Indeed, an instance is cited of a boycotted corporation appealing to the state legislature that it be permitted to change its name.[51] The Kimball Piano Company of Chicago, after

[47] Granite Cutters' Journal, November, 1901, p. 8.

[48] Journal of the Knights of Labor, December 17, 1891, p. 4.

[49] Stone Cutters' Journal, August, 1900, p. 4. An organizer of the Granite Cutters' Union who was stationed at Barre, Vermont, watched the stone as it left the quarries and was thus able to enforce a forward boycott by preventing its sale to non-union firms (Granite Cutters' Journal, September, 1902, p. 6).

[50] The Bricklayer and Mason, September, 1906, p. 119.

[51] Proceedings of the Twelfth Regular Session of the General Assembly of the Knights of Labor, 1888, p. 95.

the imposition of a boycott, it is said, ceased to stamp its pianos as before, and sold them under seven different names.[52]

Another device, which is far more subtle and in many cases more successful, consists in mixing fair and unfair goods, either with the connivance of a fair dealer or by the introduction of an intermediate purchaser between the manufacturer and the retailer. The first situation is well illustrated in the fur and felt hat industry. It was stated in 1899 that the "practice had for some time prevailed for certain firms, which ran union factories and made stiff hats exclusively, to buy soft hats from non-union concerns and to sell them side-by-side with the products of their own firms."[53] The Garment Workers in 1910 deplored the fact that a fair overall manufacturing company purchased ready-made non-union suspenders, attached them to the article bearing the union label and sold the completed commodity under the protection of the union label.[54] The possibility of the sale of boycotted commodities is again seen in the experience of the same unions with jobbing houses, which act as intermediaries between wholesale and retail firms. In 1900 the Hatters complained that a market for non-union hats was obtained through jobbers who sell the products of both non-union and union firms under the protection of the latter.[55] A similar complaint was registered by the Garment Workers in 1906.[56] The employment of an analogous mode of concealment is made possible in the building industry through the introduction of the building supplies' companies. One of the salesmen of the Morgan

[52] The Carpenter, November, 1907, p. 29.

[53] Journal of the United Hatters, April, 1899, p. 6.

[54] Proceedings, 1910, p. 116.

[55] Journal of the United Hatters, May, 1900, p. 1. President Tobin of the Boot and Shoe Workers' Union objected to placing a boycott upon a shoe manufacturing firm "because it is almost impossible to reach" a firm "that makes shoes for the jobbing trade" (Lord, p. 25).

[56] "There are a number of overall manufacturers, users of the union label, who buy these non-union garments and sell them in conjunction with the garments bearing the label of the United Garment Workers of America" (Proceedings, 1906, p. 143).

Company, whose trim had been boycotted by the United Brotherhood of Carpenters and Joiners, testified that the only way in which his company could dispose of its product on the Island of Manhattan was by concealing the origin of the goods, "by indirect methods such as the sale and disposition of these through dealers and other third parties, who could in turn dispose of such merchandise to building contractors for use in the erection of buildings without the United Brotherhood being able to detect what company manufactured the goods."[57]

The possibilities for such evasions are, of course, greatly lessened in the case of simple articles where practically all of the fair goods are marked by a union label. It would, for instance, be useless for a baker in certain union communities to attempt to conceal the place of manufacture of his bread by any subterfuge whatever, because the consumers could always demand and purchase bread that bore the union label. With a composite article, however, which should bear several labels, the opportunities for evading the boycott are, as seen before, very much greater.

The foregoing discussion has been limited to a description of the methods of initiation of boycotts, of the various boycotting agencies, and of the means employed in tracing and identifying boycotted commodities. The next subject naturally deals with the methods employed in announcing directly to individual purchasers the location of the boycotted commodity or establishment. These methods vary from the distribution of circulars to public parades and processions. When, for example, the carpenters of Baltimore boycotted several department stores of that city, the members of the union and their friends distributed, in house doors and in the market baskets of women, circulars stating their grievances, announcing the boycott, and requesting the support of the public. The same thing was done by

[57] Paine Lumber Co. vs. United Brotherhood of Carpenters and Joiners, Subpoena, Notice of Motion for Preliminary Injunction, Bill of Complaint, and Affidavits, p. 190.

the Garment Workers in New York in 1905, when they circulated posters bearing the following inscription: "Marks Arnheim, 9th Street and Broadway, locked out his men for belonging to a labor organization. Don't patronize him."[58] The Metal Polishers posted stickers bearing the notice of the boycott over the doors of the boycotted firm and on other places in the street.[59] One of the agents of the United Hatters, in his prosecution of the boycott against the Roelof Company, made it a point to bill a town with placards announcing the boycott before he visited the merchants of the town; this he did on the theory that this preliminary advertisement of the boycott would make the merchants more responsive to his arguments when he should subsequently visit them.[60] Finally, in the boycott on a San Francisco restaurant a man bearing upon his shoulders signs advertising the boycott, was engaged to walk slowly up and down in front of the restaurant.

The effectiveness of the boycott, however, must depend in great measure upon the ability of a labor organization to force the observance of the boycott upon its members. Yet, as was indicated at the beginning of this chapter, such enforcement is, from the very nature of the device, difficult. In such a boycott as the carpenters' boycott on trim, where those engaged in prosecuting it are assembled within a building, it is easy to detect and punish an infraction. In the majority of instances the reverse is true. This fact has not, however, prevented unions from adopting rules which seek to insure the personal enforcement of the boycott. At the convention of the Knights of Labor in 1883 the general executive board announced that "during the period of boycotting regularly undertaken by a local assembly or district assembly, such local or district assembly may fix and enforce such penalty as they may deem just

[58] Weekly Bulletin [Garment Workers], March 10, 1905, p. 1.
[59] The Journal, December, 1901, p. 23.
[60] Journal of the United Hatters, August, 1902, p. 4.

for non-compliance with the boycotting order."[61] At the convention of the American Federation of Labor in 1889 the committee on boycotts and labels recommended that "affiliated unions adopt some plan whereby members who persist in purchasing the products of non-union labor can be properly disciplined."[62] The Typographical Union, too, in its constitution of 1889 provided that subordinate unions should "pass by-laws, enforcing with fines, suspensions, or expulsions, the willful violation of boycotts adopted either by them or by the International Typographical Union."[63] Local unions of printers may discipline their members even for the violation of the boycotts of other trades which they have endorsed.[64]

Many local unions throughout the United States have at one time or another adopted systems of fines to be imposed upon members convicted of purchasing boycotted goods. The rules have been in the main temporary, applying only to individual boycotts; and the fines have ranged from fifty cents to ten dollars. In the boycott against the Los Angeles Times practically every union in San Francisco levied a fine of five or ten dollars on members who patronized the Owl Drug Company, one of the advertisers in the paper.[65] When, however, a boycott is being constantly waged, a union may have permanent provisions. Thus, the by-laws for the District of New York of the United Brotherhood of Carpenters and Joiners contain the provision that any member found guilty of installing unfair trim shall be fined ten dollars for each offense.[66] Even when there is no such

[61] Proceedings, 1883, p. 454. At the convention in 1885 the committee on boycotts recommended also that the executive board be empowered to compel "every local and all of its members . . . to adhere strictly to each boycott . . . under penalty of forfeiture of their charter or expulsion from the Order" (Proceedings, 1885, p. 162; see also Proceedings, 1886, p. 219).

[62] Proceedings, 1889, p. 42.

[63] Typographical Journal, July 15, 1889, p. 4.

[64] Barnett, The Printers, p. 270 note.

[65] Retail Clerks' International Advocate, June, 1903, p. 19.

[66] The Carpenter, June, 1910, p. 31.

constant boycott, a union may adopt permanent provisions to insure the purchase of fair goods. This is illustrated in the adoption by the Bethel local union of the Hatters of a standing rule that imposed a fine of two dollars on any member who patronized a non-union barber shop or who purchased an article without the union label, when it was possible to obtain such article with the label.[67] The disciplining of the members is not always effected through the medium of a fine. In Fresno, California, it was decided to punish the culprits by turning the light of publicity upon their acts. The Fresno Labor News, accordingly, published the names of those trade unionists, who were "caught in the act of purchasing non-union made goods."[68]

The practical objection to such rules lies, of course, in the difficulty of enforcing them; it is almost impossible to discover who buys fair and who buys unfair goods. And little effort has been expended by the majority of unions in framing legislation to meet that difficulty. The Garment Workers, however, have adopted a most elaborate plan by which they may detect and presumably reprimand those members who buy goods which do not bear the union label. The constitution of the union provides that, after the reading of the minutes at the meeting of each of its local branches, the secretary shall at the first meeting request all members whose clothing bears the union label and who insist that union clerks wait on them to rise. At the second meeting those members who purchase only union-made cigars, tobacco, and so on, are told to rise. This performance is repeated with different commodities until the sixth night, when the same request is addressed to those who buy union-mined coal. At the next meeting the secretary begins

[67] Journal of the United Hatters, August, 1898, p. 1. Many instances of the imposition of fines on members for failing to observe specific boycotts can be found in the journals of labor unions. See, for example, Journal of the Knights of Labor, April 23, 1891, p. 3; Coopers' International Journal, April, 1903, p. 159; The International Bookbinder, December, 1902, p. 215; American Federationist, January, 1902, p. 43.

[68] The International Bookbinder, January, 1912, p. 31.

again with the first question, and the process is thus constantly repeated.[69]

The boycott is under ordinary conditions an inexpensive weapon; unlike the strike, it does not postulate the unemployment of a large number of workingmen, many of whom must be paid strike benefits. As soon as a boycott is declared, those who are out of work because of a lockout or strike are usually at liberty to seek work elsewhere; negotiations with the firms for the purpose of retaining the positions of the strikers cease until the power of the union to boycott has been tested. Furthermore, the actual cost of administration is usually small. At most, a boycott involves the cost of circulars, stationery, and postage, and the salaries and travelling expenses of a few national agents. Because of its inexpensiveness few references can be found to the means adopted by labor unions to finance the boycott. An occasional practice in the early days of the boycott seems to have consisted in levying a portion of the expense upon boycotted employers. This device could, of course, be used only when a boycott was successful. For example, in the boycott on the Rochester clothing manufacturers in 1891 it was reported that many of the employers were "willing to pay a big indemnity to the National Assembly for every expenditure it has made in fighting them."[70] A boycott by the machinists in 1897 resulted in the payment by the boycotted firms of a "portion of the boycott expenses."[71]

Such methods did not receive the sanction of labor or-

[69] Constitution, 1912, art. xiii, sec. 13. The Milwaukee local union of the Coopers provides for the detection of violations of boycotts through the shop monitor. "If a monitor of a shop is informed that any member in his shop buys non-union goods . . . he reports it to the union and the member is fined $1.00. If the monitor fails to report him then the monitor himself is fined $2.00" (Coopers' International Journal, June, 1910, p. 325).

[70] Journal of the Knights of Labor, July 30, 1891, p. 4; Weekly Bulletin [Garment Workers], September 15, 1905, p. 5.

[71] The International Wood Worker, February, 1897, p. 234. In the boycott on Doelger beer in 1885 the New York Central Labor Union imposed as a condition to recalling the boycott that Doelger pay $1000, the cost of the struggle (Schlüter, p. 116).

ganizations generally. The more common way of financing the boycott is either by the levying of special assessments upon the members of the union or by the appropriation of fixed sums from the general treasury of the union. When in 1900 the Hatters' Union boycotted the Berg Company, a two per cent. assessment was levied upon all districts; with the proceeds of the assessment six agents were put on the road to press the boycott.[72] The Metal Polishers, on the other hand, adopted the general provision that fifty dollars should be used monthly in issuing boycott literature.[73] In boycotts on materials, where the workmen involved are as a rule forced to strike, the expenses are greater, since strike benefits must be paid. Here, as in the payment of all other strike benefits, a definite mechanism is established for meeting those expenses. The Carpenters have the provision that "in strikes against unfair trim, benefits shall be paid out of the Unfair Trim and Label funds, after being sanctioned by the Unfair Trim and Label Secretary and the General President."[74]

In the last decade the litigation in which the use of the boycott has involved American labor unions has been instrumental in adding to their financial burdens. The boycott can no longer be regarded as one of the most inexpensive of resources. In 1909 the American Federation of Labor spent for attorneys and stenographic reports the sum of $14,000.[75] The United Hatters were reported in 1910 as having expended $100,000 in the Danbury Hatters' case.[76] The details of the financial burden imposed upon the United Hatters of North America, a union with a membership of less than ten thousand, by the verdict granting damages against the union of more than $250,000 are still fresh in everyone's mind. The legal complications attending the boycott upon the Buck's Stove and Range Company drew

[72] Journal of the United Hatters, February 1, 1900.
[73] The Journal, February, 1902, p. 53.
[74] The Carpenter, August, 1904, p. 4.
[75] Proceedings, 1909, p. 94.
[76] Proceedings of the Thirtieth Annual Convention of the American Federation of Labor, 1910, p. 117.

from the executive council of the American Federation of Labor the complaint that it was the purpose of their opponents to entangle them in "interminable litigation," with a view to compelling "large expenditures in defense."[77] At the convention of the same year the president and the executive council were authorized to issue a "special assessment of one cent per capita" and to make such further assessments as should be found necessary for the legal defense of the Federation.[78]

In imposing the boycott, labor organizations are frequently influenced by general considerations as to time and place and by facts relating to the character of the commodity and of the firm which they are about to boycott.[79] For example, when in 1887 a boycott upon the product of several New Jersey glass manufacturers was contemplated, it was reported that orders could be taken away from the unfair firms, but that "at that time it would be very difficult to find a place to put them, as about all the manufacturers have all the orders they can fill this season. Any further effort in this direction at this time would drive a large amount of trade to foreign countries." The boycott was, therefore, postponed until the following year.[80] A boycott against the manufacturs of sole leather in Pennsylvania was

[77] The Buck's Stove and Range Co. vs. The American Federation of Labor, et al. Copies of Pleadings, Preliminary Injunction Order, Opinion of Judge Gould, and Testimony on Hearing for Permanent Injunction, p. 363.

[78] Ibid., p. 372.

[79] Von Waltershausen lays down the following conditions necessary to the success of a boycott: (1) it must not be waged against monopolies; (2) it must be waged against a few opponents; (3) the number of unionists must be large and under a central unifying authority; (4) it should be waged against a firm that sells to a local market; (5) articles of luxury should not be boycotted, and (6) it should not be imposed upon goods difficult of identification ("Boycotten, ein neues Kampfmittel der amerikanischen Werkvereine," p. 14).

[80] Proceedings of the Eleventh Regular Session of the General Assembly of the Knights of Labor, 1887, p. 1336.

found to be inadvisable because "three-fourths of the firm's product are exported."[81] Similar difficulties in enforcing boycotts upon commodities whose identity could be easily concealed and upon goods which were sold to consumers hostile to the labor movement have been pointed out in this and an earlier chapter. Attention has not, however, been called to the effect upon a boycott of the presence or absence of a substitute for the commodity in question.

Trade unions have generally recognized the fact that boycotts cannot be imposed upon commodities for which there is no adequate substitute. At a time when the carpenters' union was able to enforce its boycott upon all unfair trim that was destined for the New York market, it was unable to boycott the so-called sash (1⅜") because the amount of that "material manufactured by union concerns is very small and insufficient to supply the demand."[82] The Brewery Workmen's Union was often handicapped in its boycotts of unfair breweries by the lack of a substitute for the boycotted beer. It was recommended in 1886 that cooperative breweries be organized with a view to supplying a union product during a boycott.[83] The Metal Polishers recommended the unionizing of "at least one firm that manufactures builders' hardware," so that the members of the building-trades unions might be able to impose and enforce boycotts upon non-union hardware and still have material to work upon.[84]

The presence of a substitute may, however, under certain circumstances bring disaster to the boycotting union. Such a situation is illustrated in the experience of the Stone Cutters. The refusal of these workmen to set stone cut by planers is said to have led to the substitution for stone of such building materials as concrete and terra cotta, in the

[81] Report of the General Executive Board at the Twelfth Regular Session of the General Assembly of the Knights of Labor, 1888, p. 124.

[82] Paine Lumber Co. v. United Brotherhood of Carpenters and Joiners, Subpoena, Notice of Motion for Preliminary Injunction, Bill of Complaint, and Affidavits, p. 186.

[83] Schlüter, p. 130.

[84] The Journal, November, 1899, p. 355.

working of which stone cutters have no part. The existence of this substitute, obviously, far from aiding the stone cutters in their boycott, results in a contraction of the field of stone cutters' work. The original proposition as regards the necessity for a substitute should, then, be modified by noting that the boycott is likely to be successful if the substitute for the boycotted commodity or material is manufactured by organized members of that trade which seeks to control work in the unfair establishment.

Where an industry is monopolized or where the product of the industry is protected by a patent, no substitute can be usually obtained and a boycott is unavailing. In 1904, for instance, the Coopers boycotted Swift and Company, the Chicago packers. The boycott was ineffective, "not because it was unjustly placed, but simply because people are obliged to have meat and cannot boycott the only source of supply."[85] The same difficulties would prevent the successful boycotting of such firms as the Standard Oil Company or the American Tobacco Company. In industries in which no actual monopoly exists the effects of monopoly may be produced, as far as the boycott is concerned, by the formation of an employers' association. A boycott, for example, of a Chicago clothing firm by the Garment Workers develops ordinarily, because of the influence of a closely knit employers' association in the clothing trades, into a boycott upon the products of all manufacturers.[86] The boycott is, therefore, materially weakened by the fact that the union cannot here, as it can where an employers' association does not exist, boycott the product of one firm and recommend in its place the product of another; but it must enforce a general boycott without being able to offer the retailer a suitable substitute. As soon, of course, as such associations assume an interstate or a national character, a boycott upon the product of a member of the association becomes for this reason almost impossible.

[85] Coopers' International Journal, July, 1904, p. 399.
[86] Proceedings, 1906, p. 29.

The foregoing discussion of the rules and regulations adopted by American labor organizations with a view to rendering the boycott more effective places perhaps too much emphasis upon the effect in labor disputes of the actual waging of the boycott. As a matter of fact, the effectiveness of the boycott consists in its potential rather than in its actual accomplishments. The threat is often more effective than the fact. Just as "the strike which is held in reserve to be resorted to only in case of need, is the chief reliance of organized labor, and a part of the pay that men get when they never strike at all is due to their ultimate power to do this,"[87] so the impending boycott, held as a mailed hand over the head of a recalcitrant employer, wrests from him important concessions. In other words, a true measure of the influence of the boycott is not to be found in a count of specific instances of failure and success; but rather in the silent, but no less important, surrender to the unions of those employers who, fearing the force inherent in the combined purchasing power of hundreds of thousands of laborers, are unwilling to expose their businesses to the dangers of a boycott.

[87] J. B. Clark, The Problem of Monopoly, p. 62.

CHAPTER VI

The Law and the Boycott

The legal status of the boycott in this country has received full and competent treatment from Stimson,[1] Martin,[2] Clark,[3] and Laidler.[4] The conclusions of these writers substantiate the view commonly held that boycotts, with the exception of certain forms of primary boycott, have been in most cases adjudged illegal by federal and state courts as constituting violations of the common law and of special federal and state statutes. The establishment of the illegality of the boycott, however, still leaves unanswered a question of fundamental importance. How far have the legal restrictions which have been imposed upon the boycott prevented trade unions from employing that weapon as a means of industrial pressure? Obviously, if the boycott be a device of such a character as to be beyond the arm of the law, adverse judicial decisions and plans for legalizing the boycott become matters of purely academic interest and of secondary importance. If, on the other hand, such decisions have had the effect of seriously hindering the activities of labor organizations, in so far as they find it necessary to supplement their ordinary resources with the boycott, then the principles underlying judicial dicta and the plans for either removing or extending, as public policy may dictate, the legal disability of the boycott, should become the subject of grave consideration. It is now necessary to determine, therefore, the extent to which the various means employed by the courts in their efforts to control the boycott have from time to time proved effective.

[1] Handbook to the Labor Law of the United States.
[2] The Modern Law of Labor Unions.
[3] The Law of the Employment of Labor.
[4] Boycotts and the Labor Struggle. This work contains the latest and most complete discussion of the legality of the boycott.

From 1880 to 1902 boycotts were employed with increasing frequency in spite of their illegality. The injunction, even when accompanied by criminal or civil action against the agents of labor unions, was totally inadequate to cope with the situation. When an injunction was issued in one city against a firm which conducted an interstate business, the boycott would be prosecuted with redoubled vigor in neighboring localities; when one member of a boycotting committee was enjoined from further advertising the fact of boycott, his place was promptly taken by another; and, finally, when one union was restrained from officially instituting a boycott against an unfair firm, the same results could be produced by having the boycott initiated by another union. Thus, in the boycott in 1898 against the New York Sun the president and several members of the local typographical union of New York were enjoined from boycotting the New York Sun or its advertisers. In order to evade the provisions of this injunction, the resolutions boycotting that paper were introduced at the convention of the American Federation of Labor by the Detroit Trades Council and not by the Typographical Union.[5] The best concrete evidence of the ineffectiveness of the injunction is to be found in the activity during this period of the Knights of Labor and later of the American Federation of Labor and its constituent unions. Unfair lists were published with regularity; plans for conducting campaigns against boycotted firms were discussed with a naive disregard of the law; resolutions to boycott were endorsed in journals and convention proceedings with a degree of publicity that actually courted legal interference. Not that the injunction had no influence; for in 1902 the complaint was made that "the injunction in labor disputes is becoming more and more general; its value to the employer and its danger to the workmen are becoming better and better understood."[6] But the cumulative effect of the injunction

[5] Proceedings, 1899, p. 83.

[6] Proceedings of the Twenty-second Annual Convention of the American Federation of Labor, 1902, p. 144.

upon the employment of the boycott was to impose upon trade unions a series of temporary embarrassments or annoyances rather than a permanent disability.

The organization in 1902 of the American Anti-Boycott Association marks the turning-point in the legal position of the boycott; from that time on it began to lose its immunity. In the suit of Mr. Loewe against the United Hatters' Union, one of the first cases to be tried under the auspices of the American Anti-Boycott Association, it was the desire of that organization to obtain rulings on two important points: (1) "Whether the members of a voluntary unincorporated association are, on the principle of the law of agency, personally responsible for the acts of its officers and agents." (2) "Whether the extension of a boycott by a labor union beyond the borders of a state is a conspiracy in restraint of trade, and, therefore, an illegal act under the Sherman Anti-Trust Act."[7] The affirmative answer to both questions was destined soon to exert a profound influence.

(1) It was apparently the opinion of the counsel of the American Anti-Boycott Association that the only effective method of eradicating the boycott consisted in the placing of full legal responsibility, in the shape of damages, upon every member of the union that initiated the boycott. Instead of restricting the punishment for the violation of an injunction to fines or damages imposed upon the officers or agents, the more effective plan was hit upon of involving in the action every member of the union. Accordingly, it was reported in the Hatters' Journal in 1903 that "nearly one hundred and fifty Danbury and Bethel men, members of the local branches of the United Hatters of North America, are named in the suits [Loewe v. Lawlor] and their real estate and bank accounts attached."[8] The effect of this ac-

[7] Hilbert, p. 214.

[8] Journal of the United Hatters, October, 1903, p. 1; see also Laidler, p. 156. This case was finally disposed of on January 5, 1915, when the United States Supreme Court affirmed the judgment of the lower courts which had awarded the plaintiff (Loewe & Co.) treble damages against one hundred and fifty members of the Danbury and Bethel local unions of hatters. The agreement

tion was instantaneous. The Hatters' Union, which had for a long time been an aggressive boycotting organization, thereafter practically abandoned that weapon. Nor is the cause for this sudden reversal in policy difficult to comprehend. The knowledge instilled by this decision into each individual that membership in a boycotting union constantly exposes him and his property to action for damages has without doubt induced in trade unionists an extreme conservatism, and even timidity, that would effectually restrain them from becoming parties to the future use of the boycott.

Now that this device has been found so successful in the Danbury case, it is probably the intention of the American Anti-Boycott Association to bring similar actions for damages against the members of other unions. The association has, for example, for several years been conducting the legal fight of the manufacturers of boycotted trim against the United Brotherhood of Carpenters and Joiners. Although the courts have issued injunctions against the Carpenters' Union, these have not been very effective on account of their inability to enjoin workmen for refusing to work upon certain material.[9] Indeed, by the time the injunction was issued the boycott notices had been so widely and so thoroughly disseminated that no further advertisement was necessary. Consequently, the only part of the boycott that was capable of being enjoined was ordinarily completed before an injunction could be obtained.[10] Injunctions have, however, served the purpose of obtaining from the courts the judgment that the boycott is illegal and of establishing

made, however, between the local unions and the national organization, whereby the fine is to be borne by the latter, relieves the individual members of the greater part of the financial burden.

[9] "The courts cannot compel men to work, and they can leave for any reason they see fit, or without reason; and if it be that the carpenters in this case desired to comply with the rules and regulations of their brotherhood there is no law that can prevent them or could prevent Rice from informing them that the trim was non-union material" (Bossert v. United Brotherhood of Carpenters and Joiners, 77 Misc. 592, quoted in the New York Department of Labor Bulletin, vol. xiv, no. 53, p. 412).

[10] Furthermore, practically the whole New York market was unionized before the American Anti-Boycott Association began its activities.

the fact that the companies involved have suffered irreparable damages at the hands of the unions imposing the boycotts. The next step, therefore, is the inauguration by the injured firms of suits to recover damages for the losses sustained during the operation of the boycott.

(2) On February 3, 1908, the United States Supreme Court rendered a unanimous decision in the Danbury Hatters' Case, holding "that the Sherman Anti-Trust Law applies to combinations of labor that accomplish through the medium of a boycott an interference with interstate commerce, and sustaining the right of a complainant suffering from such interference to recover damages to the extent of three times the amount of injury substantiated and awarded."[11] This decision was important for two reasons. In the first place, it permitted firms doing an interstate business which were previously compelled to take action against trade unions in each State where the boycott was in force to proceed against such organizations in a much simpler and more direct fashion. Discussing the necessity for the federal control of the boycott, Mr. James M. Beck, general counsel of the American Anti-Boycott Association, said: "No manufacturer, without great loss and possible ruin, could follow Mr. Gompers' emissaries from State to State and Circuit to Circuit and obtain injunctions. As in the great Pullman strike only the United States Government was effectual to stop it by its injunction against Debs, similarly only the Federal Government can effectually destroy this wide-spread conspiracy of the Federation against the freedom of commerce and the liberty of the indivdual."[12] In the second place, a decision of the United States Supreme Court, because of the prestige and power of that tribunal, carries an influence which the decisions of state courts lack. Not only has the judgment in the Hatters' Case been instrumental in crystallizing public opinion as to

[11] Convention Bulletin of the American Anti-Boycott Association, March, 1908, p. 12. See also note 8 above.
[12] Ibid., p. 16.

illegality of the boycott, but it should also exert considerable influence in shaping future decisions of state courts.

It is erroneous, however, to assume that as a consequence of these decisions the boycott has disappeared from American industrial conflicts. A decrease in publicity has, of course, resulted, for in March, 1908, Mr. Gompers announced that under the decision of the Supreme Court "the publication of a 'We don't patronize' list in the American Federationist or any other publication makes the organization and the individuals composing it liable to monetary damages and imprisonment. This being the case, I feel obliged to discontinue the 'We Don't Patronize' list."[13] Similar action was taken also by the editors of the journals of national unions. Yet an official of the American Federation of Labor admitted in 1913 that the boycotting activity of American trade unions was just as great at that time as during the publication of unfair lists. And Mr. Beck, commenting on the action of Mr. Gompers, stated that "we, who have pushed this fight for so many years, are gratified that Mr. Gompers has so far yielded to the authority of the law as to drop the 'unfair list' from the columns of the Federationist, but we are not deceived by this concession. We know that the boycott can be pushed secretly as well as openly, by innuendo as by direct order."[14] In spite of these evidences of secret activity, there is little doubt that the average trade-union member, inspired on the one hand by a feeling of awe for the power of the federal government and on the other by the fear of personal pecuniary loss, is now much less inclined to sanction a boycotting policy in his union than he was before the promulgation of these deci-

[13] American Federationist, March, 1908, p. 192.

[14] Convention Bulletin of the American Anti-Boycott Association, March, 1908, p. 15. "The most that the Van Cleaves can hope for in prosecuting the suits against the officers of the American Federation of Labor is to check the openness with which the boycott is at present applied by the unions. They may succeed in forcing the labor unions into more secrecy in such matters, but this will not injure the cause of organized labor, for it is a well known fact among men well versed in trade unionism that the secret boycott is more effective than the open one" (Coopers' International Journal, October, 1907, p. 580).

sions.[15] Furthermore, the increased activity exhibited by trade-union officials in recent years in their desire to obtain the exemption of labor organizations from the Sherman Anti-Trust Act, with the consequent legalizing of the boycott,[16] is ample testimony that the campaign of the American Anti-Boycott Association has not been without its fruits.

The recognition by trade unionists that the boycott can no longer be employed with impunity has led to efforts to remove legal obstacles. It is, therefore, desirable at this point to examine the attitude of both employers and workingmen toward the boycott, and to decide if possible upon the validity of their respective claims.

Probably no aspect of trade-union activity has been at the same time so vigorously denounced by its enemies and so spiritedly defended by its friends as the boycott. By the employer it is regarded as a violation of the right of "freedom of directing one's business and one's property without coercion, threat, or intimidation,"[17] and by labor organizations it is justified by the "constitutional guarantee of the right of Free Press and Free Speech."[18] Charac-

[15] The effect of the decision of the United States Supreme Court can be seen in the following report of the general executive board of the Coopers' Union: "The Finch Distilling Company of Pittsburg having been removed from the unfair list, the Secretary-Treasurer was instructed to take up and push the fight against the Valley City Milling Company of Grand Rapids, Michigan. We were pushing this fight when the Supreme Court of the United States declared boycotting to be unlawful. Nothing has since been done in the matter" (Coopers' International Journal, September, 1908, p. 542).

[16] For an interesting description of the efforts made by labor organizations to have the trade unions exempted from the provisions of the Sherman Anti-Trust Act, see "The Contest in Congress between Organized Labor and Organized Business," by Philip G. Wright, in Quarterly Journal of Economics, vol. xxix, p. 235.

[17] Report of Secretary Boocock in the Convention Bulletin of the American Anti-Boycott Association, February, 1907.

[18] "I have called attention to the fact that perhaps the most effective answer which could be interposed to injunctions issued to restrain organized labor from issuing circulars in regard to the 'boycott' is the constitutional guarantee of the right of Free Press and Free Speech" (Report of President Gompers to the Twenty-second Annual Convention of the American Federation of Labor, Proceedings, 1902, p. 19).

terized by the Anthracite Coal Strike Commission as a "word of evil omen and unhappy origin," as a "cruel weapon of aggression," whose use is "immoral and anti-social,"[19] it is described by a prominent labor leader as "nothing more than leaving something or somebody alone. It is following the scriptural injunction: 'If thine eye offend thee, pluck it out and cast it from thee.'"[20]

The employer, while admitting in many cases the right of workingmen to combine for higher wages and improved working conditions, believes that such combinations should be permitted to issue only as strikes.[21] Even though the ultimate object of the boycott may be the "amelioration of the conditions" of labor, its immediate object, he maintains, is "the injury and ruin of the manufacturer."[22] Furthermore, a "man's business is his property," and inasmuch as a boycott is "an organized effort to exclude a person from business relations with others," it constitutes an unlawful interference with a fundamental right.[23]

To these arguments trade unionists answer in substance, first, that it is impossible to distinguish, in most cases of boycott, between the immediate and the remote motives impelling the union to act.[24] If a union boycotts John Smith,

[19] Report of the Anthracite Coal Strike Commission, in Bulletin, U. S. Department of Labor, May, 1903, no. 46, p. 502.

[20] Statement of Andrew Furuseth, President of the International Seamen's Union of America, before the Senate Committee on Interstate Commerce (Hearings before the Committee on Interstate Commerce, United States Senate, 62d Cong., Pursuant to S. Res. 98, vol. ii, parts xviii-xxvii, p. 1874).

[21] "The only pressure that may be brought to bear on the employer must be limited to that which inseparably grows out of their right to quit work and deprive him of the services of a large number of people" (W. G. Merritt, Limitations of the Right to Strike, p. 14).

[22] Merritt, The Neglected Side of Trade Unionism, The Boycott, p. 6.

[23] Ibid.

[24] Mr. Gompers in discussing with Senator Cummins the Danbury Hatters' boycott said: "The motive, after all, is the thing, in most instances, and the motive attributed to us was the destruction of this man's business, the diversion of his business. As a matter of fact, the motive was to bring about contractual relations of mutual advantage and of general advantage and of social advantage" (Hearings before the Committee on Interstate Com-

an employer, it professes to have no other motive than to force him to grant its demands; the same motive operates to induce a union to strike against an employer. In one case the union seeks to prevent the employer from manufacturing his goods, and in the other, since the strike has failed, it seeks to prevent him from disposing of them. Secondly, labor unions deny that a boycott may injure a property right, since "no man has a property right in a customer or in a laborer who works for him."[25] On the contrary, they argue, "to withhold patronage is a right and to tell why it is withheld is also a right."[26] And from this point it is but a short step for them to assert that men have "a natural right to bestow collectively that which they have the right to bestow individually, and to withhold collectively that which they have the right to withhold individually."[27]

Elements of truth can no doubt be found in the contentions of both parties to the dispute. Boycotts are sometimes imposed with the prime intention of injuring the employer in disputes where there is only a remote possibility of improving working conditions. As a general proposition, too, it must be admitted that men should be guaranteed the right to conduct their business without the fear of unwarranted coercion or intimidation. On the other hand,

merce in United States Senate, 62d Cong., Pursuant to S. Res. 98, vol. ii, parts xviii–xxvii, p. 1763). See also the discussion between Mr. Furuseth and Senator Brandegee as to the object of a union in imposing a boycott (ibid., p. 1875).

[25] The Carpenter, February, 1909, p. 33.

[26] Ibid., July, 1901, p. 5. "If the merits of the Buck Stove, for instance, were fraudulently extolled by the maker, the publication of that fact ought to be and would be lawful. The Buck Stove customers have a right to know the truth about this important element in determining their action as buyers. But customers are influenced by other considerations than the inherent merits of the commodity they buy. . . . They might not like to buy commodities produced by under-paid and over-worked labor. It is, therefore, no wrong to let them know this fact, in cases in which it is the fact and to appeal to them not to buy. And so of those who prefer 'union-made' goods to 'scab-made' goods; the manufacturer has no property right in secrecy as to that fact" (The Public, quoted in the Weekly Bulletin [Garment Workers], February 26, 1909, p. 8).

[27] Proceedings of the Nineteenth Annual Convention of the American Federation of Labor, pp. 10, 147.

it is equally obvious that in most industrial disputes labor organizations impose boycotts not with a view to injuring the employer, but to obtain from him concessions that are essential to the life and welfare of the union. Similarly, the right to combine and withhold patronage is in some cases legitimate, since even the courts, by holding the primary boycott legal, have, to a limited extent, recognized that right. The question of the morality or immorality of the boycott as an industrial weapon cannot, however, be settled by referring merely to the abstract rights of those affected by its exercise. Another important element must still be considered, namely, the function of the boycott in modern industrial life.

In an analysis in an earlier chapter[28] of the conditions under which the boycott emerges it was pointed out that the boycott arises—first, where organization by any other means is either impossible or unlikely because of the apathy of workmen or the hostility of employers, and, second, to supplement strikes which threaten to be unsuccessful because the employer has succeeded in replacing strikers with strike-breakers. In both cases the boycott is an indispensable resource of labor organizations. Without it organization in many trades would have been either impossible or long delayed. The history of the brewery workers' movement, for example, affords strong evidence of the service of the boycott. Opposed during the seventies and eighties by employers' associations, which seemed invincible in their opposition to labor unions, the Brewery Workmen's Union, with the aid of the Knights of Labor and of such trade organizations as the Carpenters' Union, by the effective application of the boycott laid the foundations for what was later to develop into one of the strongest labor organizations in this country. The Garment Workers, also, in early struggles with the Rochester Combine and later with employers' associations in Chicago and Philadelphia were forced by the intense opposition of employers to send agents

[28] Chapter ii.

on the road in order to attack the employers through their customers. With even greater effectiveness, if less extensively, the boycott, together with the other resources of the union, has been again and again employed by the Printers. In a campaign of organization which lasted perhaps less than a decade and in which the boycott played a prominent part, the Hatters' Union succeeded in organizing one hundred and sixty-six of the one hundred and seventy-eight fur hat manufacturers of the country.[29] The success of the United Brotherhood of Carpenters and Joiners in organizing wood mills, solely by the use of the boycott, in the face of the apathy of the workmen on the one hand and the hostility of the trim manufacturers on the other, need not be again recounted.[30]

Nor is it correct to assume that the need for the boycott as an organizing agency has now passed. Organization has doubtless within the last ten years received an additional impetus, but there still remain whole sections of industries and individual establishments which it will be impossible to organize without the employment by the laborers of their combined purchasing power. A case in point is the shirt, collar, and cuff manufacturing industry. Here the employers oppose organization; what little organization has arisen in spite of this opposition has been ineffectual because of the refusal of the employers to entertain committees from the organized sections.[31] Moreover, because of the lack of adequate defense funds and because of the ease with which strikers may be replaced, a strike is out of the question. Accordingly, a refusal to buy and a request to the friends of labor that they too shall refuse to buy are forced upon the union by the exigencies of the situation. The same state of affairs obtains, perhaps to a lesser degree, in other industries. Such unions as the Bakers and

[29] Statement of Daniel Davenport, general counsel for the American Anti-Boycott Association to the Committee on Interstate Commerce, United States Senate, 62d Cong., vol. ii, parts xviii–xxvii, p. 1995.

[30] See Chapter ii.

[31] Weekly Bulletin [Garment Workers], May 13, 1910, p. 1.

Confectioners, the Metal Polishers, the Broom Makers, the Bookbinders, and others have made effective use in the past and must necessarily continue to make effective use of the boycott as a weapon of last resort. The boycott on materials, as employed by the Carpenters, presents even greater possibilities as an organizing device. Used by stronger unions with a view to helping the weaker, it promises to be of inestimable value in extending organization, particularly among unskilled laborers. Regarded, then, as a resource of trade unionism, the boycott performs an important service in fostering the growth of organizations that have for several generations developed with the sanction and support of society.

As a further attempt to establish the morality and propriety of the use of the boycott, it has been compared with another trade-union measure which for almost a century has been regarded as ethically proper and socially desirable. This measure is the strike. Between the boycott and the strike there is said to be a close analogy which has in most discussions of the boycott not been sufficiently emphasized.[32] The right of one person to cease work has been recognized; the right of men to combine and cease work is also recognized. Likewise, the right of one individual to withdraw his patronage is admittedly a legal right; a combination of persons to withdraw patronage is, on the other hand, declared a conspiracy and is held to be illegal. Yet both combinations may have been formed with the end in view of obtaining concessions from the employer. Furthermore, the mechanisms of the strike and of the boycott are markedly similar. In the boycott the facts in the dispute are published and efforts are made to destroy the business of the unfair firm by diverting its patrons to competitors; in the strike the effort is again made to destroy the business of a firm, but in this case by keeping from a manufacturer the necessary labor power. The boycott committees which call on customers in the one case and the pickets who interview

[32] Laidler, p. 212.

probable strike-breakers in the other perform acts which in purpose and in effect it is extremely difficult to differentiate.

This close analogy between the strike and the boycott was pointed out by one of the attorneys of the American Anti-Boycott Association. "Its [the strike's] purpose and effect," he writes, "is usually the same as the boycott or picketing, as both of these weapons are the result of efforts to isolate the manufacturer and cut off his business intercourse in such a way that he will be compelled to yield to certain demands; the strike isolates him from his employees; the boycott isolates him from customers and supplies; and both employees, patrons, and supplies are equally indispensable to the conduct of his business. The strike cannot be differentiated from the boycott on principle unless it be on the plea that it is merely the exercise by men in combination of their right at any time to terminate the relation of employer and employee. If limited to such a purpose its objectionability in a measure disappears, but at the best it is a right of a most anomalous nature."[33] The purpose and effect of the boycott being the same as those of a strike, it is difficult for laborers and their sympathizers to see why men should not be permitted to combine to terminate the relation of vendor and vendee as well as that of employer and employee.[34]

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[33] Merritt, Limitations of the Right to Strike, p. 11.

[34] "Another distinction the law draws, which seems to them [trade unionists] unfair, is that between strikes and boycotts. One way in which the obdurate employer may be made to respect the right of his men to organize is by inducing his customers to withdraw their patronage unless he treats his employees in a manner that seems to these customers fair. Trade unionists see no reason why, feeling as they do, in regard to the right of wage-earners to organize, they should not refuse to patronize an employer who denies them this right. To make such refusal effective, they think that they should be allowed to publish the names of 'unfair' or 'we don't patronize' employers in their journals" (H. R. Seager, Laws, Courts and Industrial Bitterness in the Survey, August 2, 1913, p. 586). Laidler believes also that there will be an evolution of the law of boycotts similar to that which the last century has seen in the law of strikes. "One by one the arguments which were used against the legality of strikes—practically the same as those

The objection might here be urged that, although the primary boycott bears a close analogy to the strike, the secondary boycott is distinctly different in effect from the simple strike, since, like the sympathetic strike, it inflicts injury upon an innocent third party. For example, a strike against the Buck's Stove and Range Company affects that company alone; a boycott against the same company usually affects also its customers, who are in no wise parties to the original dispute and against whom the union has no grievance. As industry is now constituted, such a result is inevitable. A large manufacturing company rarely sells directly to the ultimate consumer. Intermediate between the consumer and the manufacturer is usually the agent. If the manufacturers' goods are to be reached by the boycott, they must be boycotted as a part of the stock of the agent. As long as the agent or retailer continues to buy the commodity in question, he suffers injury together with the manufacturer. The retailer may, however, escape the boycott by withdrawing his patronage from the unfair manufacturer. Since the boycott of the retailer is indispensable to the waging of the original boycott, this simple form of the secondary boycott need not be distinguished in principle from the primary boycott. Where, however, the union imposes a secondary or tertiary boycott which is not essential to the original boycott—as, for example, when a union boycotts one who has been a passenger upon an unfair trolley line, or one who has purchased, not in the capacity of agent, an unfair commodity—the extension of the boycott is indefensible in theory and practise.[35]

now employed against boycotts—have been discarded. Strikes were declared to be unlawful conspiracies. They injured the property of another, they coerced others against their will, they were malicious, their immediate effect was harmful. The arguments no longer obtain. . . . That the same evolution is likely to occur in the case of the boycott seems logical" (p. 262). The same analogy is drawn by Boudin, p. 55.

[35] John Mitchell believes that "the further the boycott is removed from the original offender the less effective it becomes," because such a boycott is less likely to receive public sympathy (Organized Labor, p. 289).

Even the primary boycott exhibits certain characteristics that distinguish it materially from the strike. A strike is, broadly speaking, a contest between a union and an employer during which the employer seeks to replace the strikers with strike-breakers, while the union attempts to dissuade strike-breakers from taking the places of its members. Under normal conditions, if no violence is used, the contestants are on equal terms. The strike-breaker makes his decision at the seat of the disturbance subject to the influence of both the employer and the union. The ordinary boycott is different. Here the battle is waged by thousands of consumers who are not even remotely connected with the original dispute; they enter the struggle, not because they themselves have any grievance, but because wise foresight tells them that in the future they may make a similar use of the purchasing power of the union that now asks their support. Their endorsement of and active participation in the boycott are not based upon an intimate acquaintance with the facts in the original dispute and are not supported by the conviction that the boycott is just; on the contrary, they receive their information from the one-sided account furnished by the union and make no efforts either to substantiate or to refute the charges. When, for example, the United Hatters boycotted the J. B. Stetson Company, thousands of unionists in the United States participated in the boycott without making any attempt to learn the employers' side of the controversy. The same was true in the boycott upon the Buck's Stove and Range Company and in many other boycotts. Not that labor organizations had in these disputes no real grievances. In many cases their grievances are real and redress is urgent. This fundamental distinction between the strike and boycott, nevertheless, remains. In a strike the employer may obtain a fair hearing and may take measures to protect his business; in a boycott the union acts as judge, declares the employer guilty, invokes to its aid a vast power foreign to the dispute—the membership of affiliated unions—and, if the boycotted commodity

is sold for the most part to workingmen, it succeeds in destroying the employer's business. Strike-breakers often help employers to win strikes; consumers hostile to trade unions can, however, only under the most unusual circumstances be so organized as to render effective aid to a boycotted employer.[36]

Another quality that distinguishes a boycott from a strike is its permanence. When a strike is declared off, the factory resumes its work as before. The publicity given the boycott, on the other hand, and the deep feelings of hostility engendered by its prosecution produce more lasting effects. A commodity once advertised as unfair retains the stigma for a long time after the boycott is raised. A retail dealer who has been persuaded by the union to withdraw his patronage from an unfair firm may, even after the boycott is removed, decide to avoid the possibility of a similar inconvenience in the future, and will give his custom to another firm. Similarly, many general consumers who have during the period of boycotting patronized other establishments will, through mere inertia, not return to the boycotted firms when the trouble is over. The establishment of new business connections while the boycott is in progress and the impression left upon the minds of the consumers by the advertisement of the unfair commodities or firms tend to impart to boycotts a permanent influence which is not characteristic of the strike.

[36] The products of C. W. Post's company are, it is alleged, consumed for the most part by the so-called middle class, which has no sympathy with trade unionism. For this reason, the losses sustained by the company as the result of vigorous boycotts launched against it by almost every American trade union have been amply compensated for by increased patronage from the opponents of labor organization. As a rule, however, most products are not so thoroughly advertised as is Postum Food, and the effects of a boycott are, consequently, not mitigated by additional custom from new quarters.

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